

THE
DIVINE RIGHT
OF
EPISCOPACY

ADDRESSED TO THE
CATHOLIC LAITY OF ENGLAND,
IN ANSWER TO THE
LAYMAN'S SECOND LETTER
TO THE *J. Singleton*
CATHOLIC CLERGY OF ENGLAND;
WITH REMARKS ON THE
OATHS OF SUPREMACY AND ALLEGIANCE,

BY THE
Rev. John Milner, F. A. S.

How can they preach unless they be sent? Rom. c. x. v. 15.

If any one shall say that bishops—who have not received a right mission from the ecclesiastical and canonical power, are lawful ministers of God's word and of the sacraments; let him be Anathema. Council. Trent. Sess. 23. can. 7.

You have no more right to give ministers to Christ, than you have to appoint Christ himself to be your King. Bossuet's Var. L. 15.

L O N D O N:

Printed by J. P. COGHLAN, No. 37, Duke-street, Grosvenor-square; And sold by Messrs. BOOKER, Bond-street; KEATINGE, Warwick-street; LEWIS, Russell-street; ROBINSONS, Peterborough Row; ROBBINS, Winchester, &c.

M, DCC, XCI,

DIVINE RIGHT

EPISCOPACY

LETTER TO THE
CATHOLICITY OF ENGLAND



LETTER

CATHOLICITY OF ENGLAND

LETTER TO THE

CATHOLICITY OF ENGLAND

LETTER TO THE

CATHOLICITY OF ENGLAND

LETTER TO THE

CATHOLICITY OF ENGLAND

LETTER TO THE

CATHOLICITY OF ENGLAND

LETTER TO THE

CATHOLICITY OF ENGLAND

LETTER TO THE

CATHOLICITY OF ENGLAND

LETTER TO THE

CATHOLICITY OF ENGLAND

LETTER TO THE

CATHOLICITY OF ENGLAND

M. DCC. LXXI.

THE present publication is not intended or calculated to keep alive those unhappy divisions amongst Catholics from which so much evil has already flowed, nor even to vindicate the arguments which the author made use of in his former work*, but merely to throw light on a theological subject which he has found to be little understood though much agitated amongst the laity, and in which speculative error is liable to lead, as it has done in a neighbouring country, into practical impiety. It will be seen that the principal error which the author attacks, is precisely the same that has precipitated the stately vessel of the Gallican church into the gulph of schism; and it is easy to foresee that there needs no such political storms, as have been the forerunners of that fatal event on the continent, to plunge our little bark into the same abyss, but that the ordinary incidents of

* The Clergyman's answer to the Layman's letter on the appointment of bishops.

mortality, such as last year we twice experienced within the space of three months, may prove adequate to this dreadful effect, amidst the ferment of innovation and the mist of error. In these circumstances it would be inexcusable in those who *are placed as guards on the walls of Jerusalem, and whose voice shall never be silent by night or by day.* *Isaias c. lxii. v. 6.* not to give notice of the danger, and to neglect holding out the torch of truth to those who are bewildered in the gloom. They would in a special manner fall under that censure of the church, which declares that
 “not to oppose error is to sanction it, and not
 “to defend the truth is to concur in its op-
 “pression*.”

The author is sensible that, in opposing the erroneous system under consideration, he has to combat against the prejudices of our common nature, of our country, and of the times: he is not surprised to find that many have fallen into it, and that a few are ready to take advantage of it for introducing novelties amongst us that are not likely otherwise to gain admission: he hopes however that the

* Error cui non resistitur approbatur, & veritas cum minime defensatur opprimitur,” Decret. Dist. 83. c. 3.

authorities and arguments contained in the following sheets may check this spirit of innovation in its source, and prove the impracticability of the system in question, by demonstrating that the power of jurisdiction in bishops, or the requisite authority for governing a diocese, no less than that of episcopal order, is in the strictest sense of *right divine*, being linked by an unbroken chain of succession to the throne of the Almighty: the consequence of which is, that bishops can neither be appointed to their heavenly charge, nor restrained in the exercise of it, by any mere human right or authority whatever. In like manner it is hoped that the few remarks which the author has made on the defence which the Layman has set up of the *oath of supremacy*, may, by putting Catholics on their guard in time, prevent or abridge future controversy on that slippery subject.

The author is convinced that his antiquated system cannot meet the more fashionable one of the Layman in the generality of reviews and newspapers, though he knows how he might carry off even from him, *Arcadia judice*, the palm of liberality of sentiments and freedom from superstition, were he ambitious of it: It is to be remembered, however, that

he is writing to Catholics and upon catholic grounds; and he trusts that even conscientious protestants will approve of his reasoning, no less than acting, consistently with his principles.

There are certain passages in the Layman's book which, instead of combating, the author cordially subscribes to, that in particular which recounts the great obligations the Catholic Clergy and the body in general have to the Nobility and Gentry of their communion, and the necessity they still lie under of looking up to them for protection and support. He trusts however in the innate generosity of noble birth as well as in the candor and sincerity of christianity, that a strict conscientiousness, on the part of the Clergy, in preferring duty to interest and favor, will ever be the surest way to obtain the respect of the great: and should it turn out otherwise, they will find in their own breasts their support and comfort.—So far then from wishing to keep alive that foul unnatural civil war between the clergy and the laity, which he hopes is now concluded for ever, there is no sacrifice, except that of religion itself, which the author would not willingly make to avert so great a misfortune. That he was possessed of the same pacific

cific sentiments even in the midst of some late active scenes*, as he professes now; he believes

* The very severe censures and disgraceful epithets which have been, and still are applied to the author by many ill informed persons (amongst whom he reckons some who call themselves his friends) in consequence of his conduct on a late occasion, had almost induced him to take the present opportunity of laying before the public a few authentic letters and papers in his possession, which he conceives would have compleatly justified him from the two opposite charges of rashness and cowardice, *viz.* of having shewn himself an unrelenting incendiary on one hand, and a conscious supplicating criminal on the other; but this mode of vindication might give displeasure to some persons he respects, and therefore he abandons it.—That he executed to the best of his abilities the business which he was called up to London and commissioned in writing to transact by those prelates, on whose exertions the greater part of Catholics depended in the contest, he has no reason to deny. He owns likewise that he pursued the faulty oath with unremitting zeal through every stage of the bill, not only when he was the sole agent, but likewise after a certain professional gentleman every way his superior was appointed the bishops' solicitor, and even after the oath was so far altered, on its introduction amongst the Peers, as to give satisfaction to many conscientious catholics who before were its enemies; the author ever having in view the substitution of one of those old oaths which he knew the bishops so earnestly prayed for; but he absolutely denies that he was either commissioned by the prelates or that he himself attempted to get the

believes some respectable persons, with whom he had the misfortune to differ in opinion will

the bill thrown out of parliament; however feasible this appeared at a certain period. He maintains also that neither in his printed papers, which the Attorney-General and Mr. Burke referred to in Parliament (Diary, Senator, &c. for March 2.) nor in his written letters to certain ornaments of the bench of bishops, nor in the conferences he had the honor of holding with other leading members of the legislature, so much as a disrespectful word ever escaped him against those distinguished personages whose ideas he was unable to adopt. He defended himself and his friends to the best of his power, but he defies his adversaries to shew that he fought with unfair weapons, or that for a moment he exceeded the *moderamen justæ tutelæ*. So much for the first charge.—

As to the second, he confesses that on different occasions both public and private, he was quite overwhelmed and melted at the gloomy prospect which his religion exhibited, and at the indifferency many Catholics testified in viewing it, some of whom coolly said “ We must have a “ schism.” Hence there was no personal sacrifice or degrading submission, which he did not make, or profess himself ready to make, in order to avert, as far as it was in his power, so great a calamity: at which time he made the literary offering at the altar of peace, mentioned above.—But he most emphatically denies that he ever retracted a word he had advanced, or acknowledged himself to have acted wrong: on the contrary he has from the beginning entertained a hope that, if his motives were as pure as his endeavours were irreproachable, the latter will afford him comfort even in the agonies of death.

testify

testify their conviction of, and he considers it as a sufficient proof, that he then not only voluntarily immolated two several publications, which he is confident would have been of essential service to the cause he supported, at the altar of peace, but that he moreover pledged himself to abandon the present controversy and leave his antagonist master of the field, if this step was judged necessary for the accomplishment of the blessed work of union. —In return he was assured by two gentlemen of due authority and information, *That the Catholic Committee did not consider themselves as at all concerned in the controversy about the appointment of bishops, and that they would not be offended at an answer appearing to the Loyalman's second letter.*

The author, having handled some deep theological questions in the following work, could not consistently with his own principles present it to the Catholic public without submitting it to the decision of the church: by this he understands not the church in her mute inactive state, for this would be saying nothing, but in her living speaking tribunals. Hence should the supreme pastor, or his particular pastors in this kingdom, more especially

cially his own prelate, declare that the doctrine he lays down is erroneous in itself or in its consequences, he will be the first, like the immortal though vanquished Fenelon, to proclaim its condemnation; whose edifying defeat every feeling christian heart must envy, rather than Bossuet's splendid triumph.

ERRATUM in the first Letter, p. 10. for Euseb. L. iv. c. 19. read L. vi. c. 9. : where the story of Dius's election occurs.——It was never intended to refer to that of Euphronius.

T H E

DIVINE RIGHT OF EPISCOPACY.

WE are now arrived, my Catholic brethren, at a period which will form a new and an important epoch in the history of our little church. We are no longer aliens in our own country. We are no longer strangers to the benefits of a constitution framed by our catholic ancestors, or the legal objects of religious persecution. The warmest tribute of grateful hearts is certainly due from us to the benevolence of our fellow-subjects in general, and in a more particular manner, to the wise and comprehensive liberality of the ecclesiastical and secular members of the legislature.

B

But

But if the present be a moment of gratitude and joy, it is also a moment of reflection and anxiety. Dearly shall we purchase the most extensive toleration at the smallest expence of our faith, discipline or morality: and yet it has ever been found in the history of God's people that, in proportion as they have been indulged in the enjoyment of the good things of this world, they have become indifferent in regard to those they are taught to look for in the next. The most striking instance of this occurred at the time when Constantine gave a settled peace and a legal existence to the christian religion, after three centuries of severe persecution or terrifying alarms. Not only morals and discipline became relaxed, but likewise schism and heresy, which before had only timidly shewn their heads in certain places, then stalked boldly abroad, attacked the church in every quarter, and seemed on the point of at once overwhelming her divine faith and constitution.

These apprehensions are not the mere result of speculation on past events: the present face of our affairs too forcibly justifies them. Ever since we have enjoyed a partial toleration, and still more since we have had a compleat one in view, we have been rapidly falling

ling off from that retired, pacific and devout frame of mind which formerly characterized the English Catholics, as it did the ancient christians. Until of late, we have evidently been more anxious about the purity of our faith and morals, than about the extension of our legal rights, or those founding words, *our characters as men and citizens*; and never until the eve of our emancipation have our pastors found it necessary to guard their flocks against *scandalous and schismatical publications, insulting to the head of the church**, the work of those who profess themselves to be his children.

I may add, in vindication of my fears, that the close of the eighteenth century is infected with an unexampled frenzy for religious and political revolutions; nor have means been wanting to communicate the irreligious and democratic contagion to our little fold. I leave to that great and good man who has lately made those heroic exertions for the general interests of human nature, which ten years ago † (it is to be hoped Catholics

* Encyclical Letter, Jan. 19,

† See Mr. Burke's ever memorable *Speech to the Electors of Bristol*; likewise his speeches in Parliament during the riots of the year 1780.

have not forgotten them) he made for our particular safety, I leave him, I say, to paint, with his own matchless glow of colouring, the present and future political state of that country, where this spirit of innovation has had full scope for the display of its endless caprices; a country where the legislature that boasts of affording the most perfect protection and happiness to the subject, lies itself at the mercy of a lawless rabble, and where the first of free citizens, as he is termed, is obliged to proclaim his freedom with poniards at his own breast and that of his royal consort; * be it my part to exhibit to your view a slight sketch of the effects upon religion of the infernal orgies that have been there exhibited, and which, I blush to say, there are not wanting catholic tongues and pens in this country to celebrate. I shall adopt for this purpose the words of one of those apostolical prelates whose conduct has so much edified the church†

writing

* See the French King's letters in favor of the Revolution addressed to his ambassadors at foreign courts; then read the declaration he left behind him when he escaped from confinement at Paris.

* The church will not fail to enroll in the brightest pages of her history the heroic conduct of the present fathers

writing to the eye-witnesses of what he describes; a people by whom he had been adored, and in whose service he had been prodigal of his health no less than his property.

" The ministers of the Lord are condemned either to betray their faith, by taking an oath in direct opposition to it, or to be dispossessed of their livings and reduced to indigence. Many of them have undergone the most cruel oppression, have been driven into exile or threatened with death, Some have even suffered martyrdom at the hands of a populace whom the pestilential

fathers of the Gallican church. How edifying beyond example is the spectacle it exhibits! how demonstrative of a peculiar providence over those to whom the preservation and propagation of the church principally belong! When stripped of their chartered rights and property, they were silent as the sheep before its shearers, but when that sacred jurisdiction, which is necessary for the spiritual benefit of their flocks is infringed, they nobly raise their voices, and choose proscription, beggary and the utmost efforts of savage anarchy rather than betray their heavenly trust by subscribing to an unlawful, though disguised, oath to that intent. Posterity will hardly believe it, that in 1790, out of 131 successors of the apostles, who then ruled the church of France, but four imitators of Judas should have been found!

" writings

" writings of the pretended philosophers have
 " brought back to that state of barbarism,
 " from which christianity once rescued them.
 " The temples of the Lord, which are the
 " houses of prayer and recollection, and in
 " which it is forbidden to transact any tem-
 " poral affairs, *John ii.* are pitched upon for
 " the riotous scenes of political assemblies,
 " where every kind of indecency is practised,
 " and every thing holy is profaned. The
 " chair of truth resounds with lies, absurdi-
 " ties and heresies of every kind. These are
 " received by an infatuated people with the
 " noisy acclamations of the theatre. The
 " public service and daily worship of God is
 " prohibited, whilst the pious foundations of
 " our ancestors are set aside, and the churches
 " themselves are either pillaged or levelled
 " with the ground. The consecrated virgins
 " of the Lord are every where in the last state
 " of misery, the youth destined for the mini-
 " stry of the altar are hindered from prose-
 " cuting their sacred studies, and not only
 " the patrimony of the priest and of the altar,
 " but likewise that of the widow and the orphan
 " is sacrilegiously stolen: finally the most un-
 " bridled licentiousness and debauchery shew
 " themselves, without a blush, in circumstances
 of

" of enormity hitherto unknown." *Bp. of Amiens Past. Instruc.*

It is not without reason I here endeavour to turn your attention to the present state of the Gallican church, because in the work I am going to answer you are called upon to adopt those very principles which have subverted the foundations of that church, and laid it open to all the horrors of modern innovation : for, in that poisonous mass of schism and heresy called the *civil constitution of the clergy of France*, the most deadly ingredient, as all divines allow, is that which relates to the appointment and jurisdiction of bishops, and it were easy to shew how from this one evil all the rest have flowed.

When the Layman's first letter appeared, I made no doubt but that it was the work of some obscure schismatic, whose name alone, had it been published, would have blunted the edge of all his dangerous sophistry ; such was also the opinion of men the most eminent for their learning and station in the church, who have testified in writing their persuasion, that such a work never could have been written by a catholic. What then was my surprize and grief to find it owned, and the pernicious doctrine it contained supported, in a second letter,

letter, by a gentleman of first rate consequence in our little body, one whose ancestors have bled in the cause of the church, and who, in sacrificing to his religion those advantages which his birth, fortune and brilliant talents entitle him to, proves his attachment to it to be firm and conscientious! Far be from me then the injustice of imputing to my antagonist the intention of either involving you or himself in the guilt of schism; he appears to have been misled, he acknowledges that much of the matter he has published is not his own, (*pref. p. 7.*) and, after all, it is not very extraordinary or disgraceful for any man to have fallen into errors upon a subject which is not within his proper sphere of knowledge. But, on the other hand, equally far be from me the selfish compromise of palliating and miscalling dangerous errors, in order to acquire his or any other man's compliment of *writing with the civility of a gentleman*, p. 67.—Claiming no other respect than in quality of a minister of God's word, I should feel myself to be utterly contemptible were I to barter it, or, in any sort, to let it down beneath its native severity for any personal consideration. However displeasing therefore the word is to the Layman, p. 95, I am obliged to declare
(but

(but with due submission to those who have a right to decide in similar cases) that the system of the Layman is *schismatical* * in all its essential parts. Had you followed the Layman's advice, you might indeed have communicated with the French National Assembly and the hireling pastors of France, perhaps also with the little conventicle of Utrecht; but with the great Universal Church, to which you glory in belonging, you would by this time have had no more vital union than these severally have, who, in fact, are lopped off, like rotten branches, from it.

Were it my present object to defend my own literary character and that of my learned colleagues in this controversy, I should follow the Layman step by step through his thick pamphlet, I should examine his quotations, contrast them with collateral passages, fathom his reasonings, and then leave it to the public to judge whether he has any reason to boast that

* The canons, says Fleury, Institut. c. 8. " place schismatics in the rank of heretics, because, as St. Cyprian remarks, he who does not preserve the unity of the church, does not preserve its faith. The penalties of schism are the same as those of heresy; amongst the rest, the invalidity of ordinations and other acts of jurisdiction performed by schismatical prelates."

nothing which he advanced in his first letter has been refuted, p. 1. But as my aim is to convey clear, orthodox, and received maxims to the catholic laity, on a subject which, to speak the truth, there has not, before the present time, existed a necessity of expounding to them, I shall pursue the method which appears to be the best calculated for this precise purpose, and therefore, instead of heaping up texts upon texts from the Fathers and Councils, which are ready prepared to my hand by those canonists and divines who have professedly discussed the present subject, I shall rather present the result of the profound enquiries of these learned authors, which they give after having brought forward and duly weighed every one of the several passages that it is in the power either of the Layman or myself to produce in support of our respective systems*. My antagonist shall not complain of

* Thomassin. c. 11. 24. confesses that the words "suffrage, vote, election and consent, are often promiscuously used, and placed for each other in the canonical sanctions;" but though the words are frequently the same, he says the sense is not the same, nor are the same rights inferred when they are applied to the clergy and people as when to the bishops and metropolitans. The same

of any partiality in the choice of my authors, as they shall almost entirely consist of those whom he himself has extolled and boasted of as his auxiliaries in the present contest*.—

P. lxi. & *passim*.

To

same author mentions several instances of the peoples exceeding their just power in elections. Hence, to multiply quotations from the canons, and instances from history, is of as little service towards clearing up the present controversy, without ascertaining the proper meaning of the former, and the just rights of the latter: the shortest and most satisfactory mode of doing which is to follow those learned and orthodox canonists who have systematically treated the subject.

* I must except against those whose heterodoxy is notorious. One of the authors to whom the Layman most frequently appeals, and with an air of triumph, as if he were some approved doctor or father of the church, is the famous Fra. Paoli Sarpi, who being a known Calvinist in principle, and therefore an enemy to episcopacy, is the last writer who ought to be heard upon the present question. In the life of Father Paul, prefixed to the English translation of his *Right of Sovereigns*, are many proofs, on the authority of Burnet, Bedel and Jurieu, of his heterodoxy, impiety and dissimulation. Many others are adduced by Palavicini in his victorious answer to his history. In one of his works, called *The Prince*, he exhorts his countrymen the Venetians to use poison where the sword fails in exterminating the princes of the continent. I shall content myself with the account given of this intriguing friar by our late judicious and learned Alban

To understand the Layman's system we must look back to his first letter. The avowed purport of this, p. 13, was to induce the clergy of the midland and western districts to as-

Butler in his *Life of St. Charles*, whose merits, as a man of letters, have extorted the eulogium even of an infidel Gibbon. "Many reflections in Sarpi's history prove him
 " to have been a Calvinist in several points and that he
 " only waited to gain the republic before he declared
 " himself, though he continued in the mean time to say
 " mass till the hour of his death. Though a Calvinist
 " he might have been a sincere historian, but his duplicity must weaken his credit: and that he has retailed
 " notorious slanders to misrepresent the transactions of
 " the popes, &c. is clearly proved, as Dr. Fiddes acknowledges and shews in an important instance. *Life of Wolsey.*" Whatever respect then the Layman may entertain for this insidious author, p. lviii. I will venture to say that the opinion of every well informed Catholic concerning him is expressed in the well known line of the Poet,

Hic Niger est, hunc tu Romane caveto.

Bingham, rector of Havant, seems to have had a spice of those low church principles which, a little before he wrote, had been imported from Holland. It is remarkable however that the learned Dr. Stillingfleet, whom he cites, entirely coincides with the orthodox catholic opinion. He himself is evidently lost in a labyrinth on the subject of episcopal elections, and it is not surprising, when it is considered that he wanted the necessary clue, a true idea of the nature of spiritual jurisdiction.

semble,

semble, and, in conjunction with the laity, to choose those persons to be the bishops of the said districts whom he represents as being now destitute of all lawful jurisdiction, because, he says, "they preside in virtue of a power delegated to them by a foreign prelate *, who has no pretensions to exercise such an act of power : " these *foreign emissaries*, as he calls them, being so elected, he supposes would immediately, by a popular election, *be transformed into English bishops*, p. 13, without any confirmation or canonical institution whatsoever †, and without so much as the present apostolic vicarages being, by any ecclesiastical power whatsoever, erected into bishoprics. He tells the London clergy, that they have "sacrificed the rights of the people, and acted against the laws of the church," by not electing the gentleman in whose favor, he has the

* Even Febronius, *de Statu Ecc.* says, that "as the Pope has a universal superintendency over the church he can no where in this respect be considered as a foreigner."

† The delegated powers of the V.V. A.A. in the present case are supposed either never to have been valid, or, at least, now to be extinct : but even the French schismatics conceive, that, to obtain ordinary jurisdiction, it is necessary the bishops elect should be confirmed by others who are themselves possessed of it.

confidence

confidence to say, "their votes were unanimous," but by *recommending* him to the nomination of a foreign prelate. *Ibid.* His advice to them and to the northern clergy is, to collect the suffrages of the laity, and *afterwards* to convene the other bishops of the kingdom, (who however themselves we have observed would be destitute of confirmation) in order to confirm their election, and ordain the object of their choice, p. 14. In case our bishops refuse to comply with this requisition, he tells them "to apply to the bishops of a "neighbouring province," who can be no other than the schismatics of France or Utrecht, for all the other prelates of the catholic church acknowledge no right of confirming bishops but in the Pope alone. In his second letter the Layman follows up the same plan, but perhaps with more distinct ideas than when he wrote his first. He asserts that the power of the clergy and people in those times, the discipline of which he says we are bound to follow, was not barely *testimonial*, but a *judicial and effective power*,* p. vi.; whereas the *confirmation*

* This *effective* voice is what I understood, in my former letter, by an *active voice*, or such a voice as constituted bishops, or gave them authority over their flocks, (for

mation of bishops, or as we call it, their institution by the metropolitans and their suffragans, he says, was "no more than an approbation given to the choice of the clergy and people," p. 83. He adds, that "in none of the church laws is the consent of the Roman pontiff required to an ordination, and that therefore if he should claim a right of interference he is to be resisted," p. 52.

The bare exposure of this system, however plausible it may appear to the ignorant, will fill every catholic, that is but moderately versed in theology, canon law and church history with amazement and indignation. On the other hand, the system, which I am going to lay down in opposition to it, will be equally unpalatable to uninformed Englishmen,

(for there is no question here about the power of order) in the same manner as the active or effective voice of electors constitutes members of the House of Commons in our constitution. This active voice, I said, did not belong to the clergy and people of the several dioceses, but was resident in the church itself, that is to say, in the legislative and executive part of the church, the same where its infallibility resides, namely, in the prelatic order. Yet in consequence of this position, which is very intelligible, and I hope to prove is demonstratively true, my antagonist exultingly exclaims, "that my church is a church without either clergy or people."

who,

who, being accustomed to elect their representatives in parliament, think it reasonable they should have the same right of choosing their ecclesiastical as their lay superiors; and I fear it will be least of all fashionable at the present moment of democratic extravagance; when we hear of nothing but of the pretended rights of men and citizens.

But we are to remember that the question is not here about a civil, but a spiritual form of government. Christ who did not concern himself about the various schemes of worldly polity, *his kingdom not being of this world*, John xviii. has nevertheless himself planned and formed the divine constitution of his church, which is neither subject to the caprices of human folly, nor even to the force and malice of the infernal host, Mat. xvi. 18. Let us hear on this subject the illustrious modern doctor of the Gallican church: "Thus, he says, the
 " catholic church speaks to her children—Ye
 " are a people, a state, a society; but Jesus
 " Christ, who is your king, holds nothing
 " from you, his authority is of a higher origin. You have no greater right to say who
 " shall be his ministers, than you have to appoint him to be your sovereign. Thus your
 " pastors, who are his ministers, derive their
 title

"title from the same high source that Christ
 "himself does, and it is essential that they
 "should be placed over you by an order of
 "his appointment. The kingdom of Christ is
 "not of this world, nor can any adequate
 "comparison be made betwixt this kingdom
 "and the kingdom of the earth. In a word,
 "nature affords us nothing that bears a con-
 "formity with the spiritual kingdom of Christ,
 "nor have you any other right than that
 "which you find in the laws and customs in
 "memorial of this society. Now these are
 "from the times of the apostles down to the
 "present times, that the pastors already con-
 "stituted should constitute others: choose ye,
 "says the apostle, and we shall appoint. It
 "was Titus's business to appoint the pastors
 "of Crete, and it was from Paul appoint-
 "ed by Jesus Christ that he received this
 "power." *Bossuet, v. 15.*

Christ has built his church *on the foundation*
of the apostles and prophets, Eph. ii. 20. and of
 their successors in the sacred ministry, and
 placed the whole on the eternal rock of Peter.
Mat. xvi. 18. In short, the form of govern-
 ment he has established is *monarchy mixed with*

D

aristocracy

aristocracy, * there is not a particle of *democracy* or *republicanism* in its composition: † nor could the check of popular power in the present instance answer any other purpose than to cause sedition and confusion, inasmuch as the divine and never failing kingdom of Christ was to subsist, not by human means, but by his superintending care. His divine spirit is pledged

* “ The church, to speak the language of our doctors, “ says the assembly of Gallican prelates held in 1728, is a “ spiritual monarchy tempered with aristocracy. Gerson, “ who cannot be suspected on this subject, expresses himself thus. It is Jesus Christ himself who has established “ the dignity of the popedom, to which he has annexed “ a monarchic and royal primacy in the ecclesiastical “ hierarchy, and the unity of the church is founded on “ the unity of the sovereign head. Whoever dares to “ attack or diminish this dignity, or to equal any other “ rank in the church with it, if he persist in his opinion, is “ guilty of heresy, schism, impiety, and sacrilege. He “ renews a heresy that has been several times condemned in different ages of the church.”

† That Christ instituted the church in the form of a republic, and that its visible head is no more than a point of union, without any authority out of his own immediate diocese, are heretical opinions which have been condemned in the persons of M. Ant. de Dominis, Richer, and last of all in the turbulent Eybell, the bull of whose condemnation, *Super soliditate Nov. 8, 1786*, has been received, says a late author quoted by Pius VI. himself, in the whole church, *Sup. Nunciat. 244.*

to guide his ministers into all truth. John xvi.

13. Hence his language to the pastors is, as the Father sent me so I send you. Luke x. 3. He that heareth you heareth me, and he that despiseth you despiseth me. Luke x. 16. While to the faithful his language is, obey your prelates and be ye subject to them. For they watch, as being to render an account of your souls. Heb. xiii. 17. He that heareth not the church, let him be to thee as a heathen or a publican. Mat. xviii. 17.

Christ himself chose the first prelates, viz. his apostles and in their hands he left the twofold deposit of unerring truth and celestial jurisdiction by them to be transmitted to others whom they, after due enquiry, should find most proper for this important trust, and so on till the end of the world.* Thus as none but the successors of the apostles, who
are

* See Thomassin, L. 2. c. 1. Cabassut. Not. Conc. c. 2. Bingham. B. 4, c. 1. who all testify and prove, that the apostles themselves appointed the bishops of the churches they founded. The last mentioned author cites St. Clement of Rome, in proof that the apostles were in the practice of appointing their first converts, (not persons chosen by the people) to be the bishops and deacons of the respective churches. See also De Marca, L. 8. c. 2. who proves from St. Cyprian, that the faithful were only assembled at the election of Mathias to give their testi-

are vested with the episcopal character, can authoritatively and judicially deliver the infallible doctrine of the church, so none but they can communicate its jurisdiction, or invest any one christian with ecclesiastical authority over another. The absurdity then of a proper *effective power* in the inferior clergy and the

mony. With regard to this very election St. Chrysoft, exclaims, *Hom. 3. in Act.* "What then might not Peter alone have elected an apostle in the place of Judas? certainly he might: but he refrained from so doing, that he might not appear to be influenced by any partial view." I cannot help citing on this subject the words of our present learned and edifying pontiff in his late brief addressed to Cardinal Rochfaucault, "Christ our Lord chose his twelve apostles, and afterwards his seventy-two disciples, without any interference of the people, as St. Paul likewise chose Timothy to be bishop of Ephesus, Titus of Crete, and Dionysius of Corinth, whom Eusebius says, Lib. 4. Hist. c. 4. he ordained with his own hand. St. John appointed Polycarp to the see of Symrna without any consent of the people. St. Jerom de Vir. Ill. c. 17. Innumerable others were sent to absent and infidel people, by the sole authority of the apostles, to govern the churches founded by them. *Euseb. ibid. Jerom in Mat. 25*" He also discusses the election of Mathias, shewing that St. Peter prescribed the qualifications, &c. On this head the learned Abbé Barouel observes, that the hundred and twenty disciples who elected Mathias, were but a small proportion of the church of Jerusalem, as Christ before his ascension had appeared to five hundred brethren together. 1 Cor. xv.

people

people of appointing their bishops, as my adversary contends, is evident at the first glance, and we clearly see that whatever voice they at any time have had in the election of prelates, it was nothing more than a bare testimony of their own wishes and of the merits of the elect; because, in fact, it could have been nothing more.

However, as the pastors are made for the benefit of their flocks, and not the flocks for that of their pastors, and as the apostle requires, that *bishops should have a good testimony from those who are without*, hence the church, having in view the spiritual advantage and edification of the several portions of her general flock, has made various regulations suited to different times and places, for discovering who were the most edifying, the best qualified, and upon the whole, the most fit persons for her to appoint to this high charge. In the ages of primitive fervor, when the clergy hid themselves to avoid a charge which they called, *a load too great for the strength of an angel to bear*, and when the faithful had no other wish at heart than to find out the ecclesiastic, who was the most orthodox in principle and the most edifying in conduct, to go before them in the road to eternal happiness, the
church

church could with security and in peace, convene the clergy and people of the vacant diocese, and be satisfied that the person approved of in such an assembly was the fittest person on whom she could confer this weighty trust. Hence in the happy times I have been speaking of, the general rule of the church was, that the Metropolitan and the other prelates who presided at elections, should confirm and constitute bishop the ecclesiastic so approved of by the clergy and people, but this was not in consequence of any elective power in the clergy and people * as my adversary contends.

They

* There is no writer, on whose authority the Layman builds more securely, or refers to more confidently than Fleury. Let us hear what he says, where he treats the matter professedly, *Disc. 2. n. 4*. "The choice of a bishop was made by the neighbouring bishops with the advice of the clergy and people of the vacant See. The metropolitan and provincial bishops consulted, not only the cathedral clergy, but likewise all those of the diocese, they consulted also the monks, the magistrates and the people; but the bishops decided, and the choice they made was, as St. Cyprian calls it, the judgment of God." His testimony is equally precise in that little popular work *on the manners of the Christians*. Art. 32. "The bishops assembled at the vacant church. The presence of the people was judged necessary, to the end that all being persuaded of the merits of the elect, might the more willingly obey."

The

They had only a *claim* to give their testimony

The Layman, page 67, gives up Natalis Alexander in respect to the early ages of the church, and asserts that this writer has *erroneously stated*, that the concurrence of the laity in electing bishops was originally no more than testimonial, he maintains however that, from the days of St. Ambrose, this learned writer acknowledged the right of election to have been vested in the clergy and people. This he says on the strength of a passage, which, if rightly explained, militates against himself. Had the Layman looked back from the dissertation he quotes to his account of the fourth, fifth and subsequent centuries, he would not have boasted of any support from Natalis. In Sæc. 4. c. 6, he says, "The provincial bishops both in the east and west, had the principal authority in episcopal elections." Sæc. 5. Ar. 2. "Bishops were chosen by the votes of the clergy, the consent and testimony of the people, and the suffrages of the provincial bishops." Sæc. 6. "The elections of bishops were made by the bishops, the clergy and people, but not with the same right, nor after the same manner; for the chief power of election was in the hands of the clergy, bishops and metropolitan." He gives no account of the seventh century, but Sæc. 8. Ar. 2. he says that "bishops were chosen by the prelates of the province" where he maintains the same position, with which the Layman has reproached Cabassutius, no less than the present writer, as an error, namely, that the seventh general council excluded the laity from all interference in elections.

Page. lvii. He allows also that De Marca describes the voice of the people to have been no more than testimonial.

This

This supercedes the necessity of adducing the strong and positive proofs that this author brings (who according to the Layman did not understand the force of his own authorities) to prove, L. 8. c. 2. that the ancient church followed the example of the apostles, which required that "bishops should be appointed by the same persons by whom they were ordained, and that the clergy and people had no other privilege but that of testimony and consent; the right of electing and judging being in the hands of the metropolitan and other bishops."

Cabassutius in the little he says on the subject, *ad Can. 4. Nic.* acknowledges, that the votes of the people in the choice of prelates, was "subject to the regulation and determination of the bishops."

Van. Espen, Part I. tit. 13. shews, that the people were permitted to have a voice in the election of bishops, and assigns the reasons of this discipline, which were, that "the people being present, the faults and the merits of the candidates might be equally revealed, as likewise to prevent murmuring and discontent." He then proceeds to enquire of what weight the votes of the clergy and laity were in elections. "But whilst" says he, "the church for the above mentioned reasons, consented to hear the people and clergy in the election of their bishop and allowed them to take part in the same, it nevertheless decreed that the metropolitan and provincial prelates should have the principal part in this important election, and that the *bishop should properly be elected and appointed by them.* And lest the people should err in this *nomination or postulation* of their pastor, it was their business to instruct them, and to lead them back into the right road when they had erred from it." Art. 11. "At the time we are speaking of, this election did not confer any real right, but was rather only

a mere

“ a mere request of the clergy and people to have the person who was most agreeable to them ordained for their bishop. *Neque etiam eo tempore electio illa plebis jus ali- quod ad rem debat, sed erat potius simplex postulatio ipsius plebis et cleri de personâ sibi gratâ ordinandâ in suum pâ- storem.*” For the sake of brevity I refer to Art. 15. whether the Layman or I have given a fair account of the discipline of the ninth century in relation to Hincmar, the bishop of Beauvais, &c.

The learned Thomassinus's testimony is clear and precise, at the same time that it is still more copious than that of the former authors. *Lib. 2. cap. 1. Dis. Eccl.* he says, “ St. Cyprian constantly teaches that the bishops of the church were called to their Sees by the judgment, voice and command of God, who rules and directs the wills of the bishops, and the testimony of the people. I purposely said,” continues he, “ that the prelates were formerly chosen by the will of the bishops and the testimony of the people; because the bishops chose, and the people approved the choice by their testimony, and in this sense the people may be said themselves to have chosen. The suffrages of the clergy were of more weight than the testimony of the people, but the authority of the provincial bishops was above them both, whilst they heard and weighed this suffrage and this testimony, now approving, now blaming, and at length determining the matter by their judgment and choice.” He then shews from the divine nature of the episcopal character, the incongruity of any one's being called to it, except by the voice of the pastors. This learned writer pursues the subject through the several ages of the church, and proves that whatever liberty of election prevailed in any of them, it was always subject to the authority and decision of the bishops both in the east and in the west.

mony and to signify their wishes,* not to appoint or elect in the strict sense of the word, as the Layman understands it, and as these words found in the ear of an Englishman who is so often called upon to elect his civil legislators. We may add, in proof of this, that it was in the breast† of the metropolitan and other

west. C. 4. a. 8. he cites the council of Sardica, to prove that the peoples right was confined to a mere petition.

* Thomass. cap. 4. proves from St. Ambrose, &c. that the elect, however unanimously chosen by the clergy and people, was not to be ordained without a careful examination by the bishops themselves. This right alone of examining whether the clergy and people had made a proper choice, as the learned author observes, constituted the bishops *the judges and the arbiters of elections*. He proceeds to shew how necessary it was that the people should not judge for themselves, but be guided by their pastors in voting for their bishops, and proves from the words of St. Leo, Ep. 87. how much it was the duty of the bishops who presided at elections not "to yield to the tumultuous petitions of the people, or indulge the wishes of an ignorant and headstrong multitude." He had before shewn, cap. 3. how liable the people are to be "dazzled by the splendor of nobility, enticed with good cheer, or seduced by gifts and promises."

† Van. Espen, p. 1. t. 13. c. 1. says, "But if the people in a tumultuous manner, carried away by passion, or seduced by ignorance, chose an unqualified or less proper person, *inidoneum aut minus convenientem*, the
" bishops

other bishops who presided at elections, if they judged the people to be carried away by passion, or to have erred through ignorance in the choice they had made, to set aside the person so chosen. It was in a special manner ordered and required, that if the people chose a person under canonical irregularity, they should

“bishops might, and it was their duty to set aside the person so chosen. In relation to this case Celestin I. writes to the bishops of Apulia and Calabria, *the people is to be taught, not followed. And it is our duty to teach them, what they can and what they ought to do, not to yield to them.*”

De Marca, l. 8. c. 15. lays down the same doctrine at length, citing among other authorities the words of Hincmar archbishop of Rheims, in the case of this very election of Odacer for the See of Beauvais, concerning which so much has been said. “They, the people of Beauvais,” says he, “have lost their right of election, as was proved to them in the synod, and by the sacred rules, the election no longer belongs to them but to the bishops.” The same author quotes, Lat. 4. canon 23, to prove that *by the canon law* in the case of an improper choice, the election always devolved on the metropolitan.

See also Thomass. cap. 27, where besides the above mentioned case of an improper choice, he proves that if the people did not make use of their privilege in due time, it was the duty of the metropolitan and other prelates to appoint a bishop, without waiting for their votes, and to anathematize as rebels the clergy and people, if they refused to submit to him.

should be punished by being deprived on that occasion of the privilege of giving their votes, and it was the duty of the prelates to appoint a bishop, without consulting the people in any shape whatsoever. I ask how this acknowledged maxim accords with the idea of the clergy and people having a *real effective power* in choosing bishops. *

* Exclusive of this case innumerable instances occur of bishops being immediately chosen by a metropolitan or council without so much as the shadow of an election by clergy and people. This must necessarily have been the case every time a bishop was ordained to preach the gospel to infidel nations. Thomassin c. 3. 4. 6. mentions many instances of similar appointments in other cases, as of St. Gregory of Nazianzen appointed bishop of Sasimiby his intimate friend St. Basil, in like manner of John Bishop of Challons chosen and ordained by Patient of Lyons, of Simplicius of Bourges who was also elected by Sidonius Apollinaris alone, who relates the two latter histories. He adds that Severus chose his successor with the approbation of the clergy alone; and speaking next of St. Augustine's appointing his successor, he observes that, though the saint mentions the consent of the people, yet he refers the appointment itself to his own will and choice, "*Augustinus consensum populi expressit sed imperiosa usus voce se velle; viz. Presbyterum Evadium mihi successorum volo.*" P. 2. l. 2. c. 4.

In process of time, sooner in the Greek church*, and later in the Latin, the people growing

* The Layman accuses me of error in asserting that the laity were excluded in the east from having any voice in elections by the second general council of Nice, can. 3. in 780. He is so generous however as to allow, p. 111. that I have Cabassutius on my side, but he ought to have added that Nat. Alex. sec. 8. ar. 2. and De Marca, l. 6. c. 2. ar. 7. are guilty of the same supposed error. The concluding words of the canon are express, as will appear to any one who will read them. It is equally incontestible that the fathers of the second council of Nice understood the famous fourth canon of the first Nicean council to define, that the election of bishops no less than their ordination belonged to the provincial bishops; nor does the practice which obtained in the intermediate time between these two councils, of permitting the people to testify their wishes, at all interfere with this right of election established in the said canon, and in the 12th and 13th of the council of Laodicea, &c. See De Marca, l. 8. c. 3. and Van Espen, c. 1. a. 4. and likewise Schelin in conc. Nic. 4. who prove that the *χειροτονησις* which occurs in the said fourth canon, and in can. 1. of the Apostolical constitutions, (see also Thomass. c. 1. a. 7.) relates to election no less than to ordination.—At all events, I presume the Layman will hardly deny, what all canonists assert, that every degree of lay interference was excluded throughout all the east by the eighth general council, an. 889. can. 22. It runs thus: "This holy and universal council, in conformity with former councils, defines and orders, that the appointment and consecration of bishops

growing less peaceable and religious*, and the clergy more worldly and interested, the church excluded the laity from exercising the privilege she had hitherto indulged them in, and the testimony and opinion of the ecclesiastical body was alone attended to; which right was at

“shops shall be made by the election and decree of the
 “episcopal college, and that no prince or grandee shall
 “interfere in the election or appointment of any bishop,
 “&c. lest any disorderly or improper confusion or con-
 “tention should take place, especially as it is not fitting
 “that any grandees or *other lay persons* should have any
 “power in things of this nature, but as it is rather their
 “duty to be silent and to wait, until the election of the
 “future bishop is regularly concluded by the ecclesia-
 “stical college.”

* DeMarca, l. 2. c. 6. says, the people generally abused the privilege of election, and quotes two passages from St. Jerom, to shew, that there was reason to suspect the merits of a bishop or priest elected by the people, and that the latter on such occasions generally favored their own immorality, by choosing a pastor whose life resembled their own, rather than a man of piety. C. 13. he shews how rife simony was in these popular elections. Thomassinus, c. 3. brings instances of tumults and in cap. 33. a 4. of violence and murders committed by lay factions in these popular elections. All ecclesiastical history is full of instances of intrigue, violence, schism and even bloodshed, especially in the great patriarchates, during, at least, the latter part of the time when the people were permitted to interfere in episcopal elections.

length

length for the most part settled in the chapters or the cathedral clergy whether secular or regular. This discipline, though universally practised throughout the church, though deemed at the time, and called ever since by ecclesiastical writers, the *liberty of election*, though ordained or sanctioned by all the general councils that were held during the time it prevailed, my antagonist boldly asserts " was " erroneously stiled canonical." p. 77. *

The time when this latter discipline chiefly prevailed was while the feudatory system was

* The great council of Lateran an. 1215. can. 24. ordains, that such person shall be esteemed duly chosen, in whose favor the greater or the better part of the chapters votes shall concur. Thomass. c. 33. however shews that the illustrious and learned Innocent III. and the council of Lateran rather confirmed the established discipline of the west than ordained a new one on this occasion. Van Espen, in his scholia on this canon, vol. 4. shews, that by the canon law laics were then totally excluded from elections. In the council of Constance capitular elections were claimed as genuine free elections; and the council of Basil established them as such, Sess. 23. reserving however to the Pope a right of dispensing with the same for an evidently reasonable cause. The famous magna charta of the Gallican church, the Pragmatic Sanction, never attempted to revive the tumultuous scenes of popular elections.

at

at its zenith, during which, the petty princes balancing each other's power, the church was more independent; but when the sovereigns had collected their scattered strength and were become for the most part absolute, their influence upon the chapters, in so important a business as the election of bishops, became, as it is natural to suppose, equivalent to a direct power; but with this difference that it was indirectly applied. Hence scandalous scenes of intrigue, simony, violence even to mutilation, as may be seen in the French concordate and in other histories, were exhibited, to induce the electors to make a return agreeable to the prince; which, if it turned out otherwise, the temporalities of the see were of course seized upon. In these circumstances to have recurred to the ancient practice of popular elections, would have been to render infinitely more extensive all these disorders, without removing the cause of the evil; since it was in the nature of things that the power of the sovereign should be predominant, and that the elect should be no other than whom he himself had pitched upon. It was evidently then more for the peace of the church, and for the security of the morals of the people in general, and of the clergy in particular,

particular, that, in monarchic forms of government, the respective princes should be duly authorized to recommend to the church persons properly qualified to be by her appointed to the several bishopricks in their dominions. This accordingly has been done by various concordates or other similar instruments agreed upon between the greater part of the princes of Europe and the head pastors of the church, under certain conditions to prevent the nomination of unworthy subjects. These agreements have been received by the universal church, and sanctioned by the last general council*.

Thus every thing falls into its proper place in the true system of church discipline I have been laying down: The divine constitution of the church has suffered no violation in the various changes she has authorised in regard to the choice of her pastors, or when she has superseded the necessity of any choice at all, because in fact nothing essential has been

* Conc. Trid. *Sess. 23. cap. 1. de ref.* where the council admonishing those to do their duty "who have received from the holy see any right to interfere in the appointment of prelates, or who otherwise do interfere." The Fathers add that "for the present they make no changes whatever in this discipline."

changed, but a mere accidental alteration, suited to times and circumstances, has happened in a point that in no sort regards the essence of the episcopal character or authority, which latter consists in a delegation of a portion of that jurisdiction which Christ has deposited in his church. Hence also it is no grievous wound to her constitution that in most kingdoms the sovereigns bear testimony to the merits of the pastors and recommend them to the church as fit persons to receive spiritual commissions from her, but rather it is a regulation duly authorized and suited to the spiritual and political aspect of the christian world. Whereas in the Layman's system, which maintains that the people still have a *real effective power by way of proper suffrage and election*, and that the confirmation of bishops is no more than an *approbation of the choice made by the clergy and people*, (which latter description certainly gives no higher idea than that of the returning officer of a parliamentary election declaring a candidate to be legally chosen) in this system, I say, we must assert that the universal church has for many hundred years laid aside that discipline to which the validity of canonical elections is annexed; consequently during all that time spiritual jurisdiction has

has been lost, and the gates of hell have prevailed against the church. These are the necessary and palpable consequences of the Layman's system. He repeatedly tells us that the canons requiring episcopal elections to be made by the clergy and people are still in force; now, on the other hand, it is admitted, that uncanonical elections are invalid, and that consecration, however it bestows the power of order, does not bestow one atom of jurisdiction, any more than the mere ordination of a priest gives him, what are called spiritual faculties, before these are lawfully and canonically committed to him. When these opposite systems are clearly understood, it will appear that they are reducible in a great measure to this question, Whether or no episcopal jurisdiction, as distinct from the episcopal order, in other words, the canonical authority of governing a diocese, is or is not of right divine? My antagonist derives this claim from the votes of the clergy and laity of the diocese, who, he maintains, have a proper power of appointing their own pastors; accordingly he admits the episcopal elections now going on in France; on the other hand I maintain, that the episcopal authority is an emanation of the divine authority which

Christ has over his church transmitted through a continued succession of pastors from the time of the apostles. The favorite maxim of the times is that *all power is from the people*. This may be true, for any thing I know to the contrary, with respect to the civil power of the state; but sure I am, and Bossuet has above invincibly proved, that this does not hold good with respect to the spiritual authority of the church.

To say one word now concerning the presentation of our English Catholic Bishops; it is proper the Layman should know, what he appears to be ignorant of, that this right is vested in the surviving prelates; in which respect our discipline comes nearer to the practice of antiquity than that of most other churches*. Who, give me leave to ask, are
so

* The Layman accuses me p. 25. of wishing to deprive our bishops of *the good report of those who are without*, and very pointedly intimates, p. 74. that this is actually the case with respect to the prelate of our own district. In my last letter I repeated the names of all the bishops who have successively governed this district, and I have maintained, what has not been controverted but admitted, that no portion of the church, during the same period, can boast of a succession of more edifying and apostolical pastors than they have been. As to our present worthy prelate,

so likely to be acquainted with the merits of our Catholic clergy, with the requisite qualifications for this important charge, or with the local circumstances, as the Bishops themselves are? I will add, who have so warm an interest in the credit and the prosperity of their religion, who so likely to be exempt from partial views and family influence as they? So ill-grounded is the declamation of the Layman *p.* 73. and of other ill-informed persons concerning the ignorance of the chief pastor, of the merits of the clergy of England and the wants of the people, as if he were guided by chance or favor, and not by fixed and unexceptionable rules, in this important business!*

From

prelate, it is notorious, that he had no other recommendation under heaven, than the *good testimony of those who are without*, to raise him to the chair of his saint-like predecessors.

* It is an easy thing to amuse the people with an idea of their own importance and power, but the fact is, they always are and must be governed, and the only question in the present case is, whether their ecclesiastical superiors or some one or two lay personages of distinction, whoever happen to be of the most consequence amongst the English Catholics in point of wealth and abilities, are likely to consult best their spiritual welfare. We have just seen

From what has been said the most ignorant person will have learned, that what pro-

seen the experiment of popular elections to bishoprics tried in France, and what is the description of the persons returned by these mobbish meetings as fit successors of the apostles? I will not compare them with the orthodox prelates, for, as *there is no society*, so there is no comparison *betwixt light and darkness*. Mr. Burke says their characters are such "that the church-wardens ought to take security of them for the church-plate before they permit them to officiate." Certain it is that these hirelings, *who have not entered by the door of the sheepfold, but have got into it by another way*, on every occasion, betray a consciousness of their unworthiness and incompetency to exercise the high office they have usurped. Monsieur Philibert, of the department of Ardennes, humbly begs of the Archbishop of Rheims, in whose diocese his pretended bishopric is situated, to give him that jurisdiction, which he is conscious he could not receive by his schismatical institution. The new prelate of Rhennes, haunted by the terrors of a guilty conscience, like Judas, is desirous of restoring the price of his iniquity, and of following his real bishop into voluntary exile; in consequence of which he is detained in his episcopal palace by national guards. Cardinal Lomenie, in his letter to the Pope, acknowledges, that his fears but not his will consented to take the civic oath, and says he dreads the consequence of his being pressed to consecrate the new schismatical bishops. Even the Bishop of Autun acknowledges, that though he swore willingly, yet that he has the same difficulty in regard to consecration; making use of a witty but profane equivocation to excuse himself; *Messieurs Je jure, mais Je ne sacre pas,*

perly

perly constitutes a bishop is his confirmation, or, as it is now called, his institution or provision. By this he is invested with divine jurisdiction over a certain portion of the flock of Christ; by this he derives, through an uninterrupted succession of bishops, during eighteen centuries, a portion of that authority which Christ immediately communicated to his apostles. This is called in the council of Nice * *το κρυος*, the strength of the election, and hence all the fathers and canons are so explicit and emphatical with respect to it. As a proof of this we must remember that the instant a prelate is confirmed or instituted by due ecclesiastical authority, he is, and always was † esteemed a real bishop; whereas there never was an instance of a prelate, although consecrated, being esteemed the lawful bishop of any

* Can. 4. "Firmitas eorum quæ geruntur per unam-
"quamque provinciam metropolitano tribuatur episcopo."
Can. 6. "Illud autem generaliter clarum est, quod si quis
"præter sententiam metropolitani fuerit factus episco-
"pus, hunc magna synodus definivit episcopum esse non
"posse." See also constit. apof. can. 35, &c.—Van Es-
pen, tit. 14. shews that an election, however *approved by*
the metropolitan and bishops, conferred no episcopal autho-
rity, *nullum jus ad rem*, any more than it would do now,
without confirmation.

† See this proved by Thomassin, c. 29. a. 6.

diocese

diocese till he received such confirmation. *
Whoever has been thus lawfully confirmed
can

* Van Espen, cap. 5. enters on the subject of episcopal confirmation with saying, " In the same manner as
" formerly the person elected by the clergy and people,
" or nominated by the prince, was not considered as the
" pastor or bishop of the vacant church before he was
" confirmed and ordained to be its pastor and bishop by
" the metropolitan and provincial bishops; so, in like
" manner, by the common ecclesiastical law that prevails
" at present, those who are chosen by the cathedral chapters,
" or nominated by the sovereign princes, cannot
" interfere in the administration of the diocese, either in
" spiritual or temporal concerns, on any pretext whatsoever,
" before the decree of their confirmation is expedited; because, as the pontiff says, *cap. 67. de elec.*
" *no one ought to assume to himself the honour except, like*
" *Aaron, he be called by God,*" Heb. v.—Art. 7. " It
" is therefore by means of confirmation, or of the papal
" provision, that a true pastor and bishop is constituted,
" and that he becomes fully competent to exercise
" the whole pastoral and episcopal charge, which he can
" administer in quality of bishop and ordinary pastor of
" the church, as all canonists teach by common consent."
—*Cabassut. theor. et prax. l. 4. c. 7.* says, " He who is
" chosen or nominated bishop cannot exercise any spiritual
" jurisdiction until he be confirmed by the holy See. But
" as soon as he is instituted and confirmed by the pope,
" although he be not yet consecrated, can perform every
" thing that relates to jurisdiction, but not what relates
" to episcopal order." Thus, he shews, he is competent
" to excommunicate, give faculties, &c. but not to confer
" order, consecrate altars, &c.—*L. 4. cap. 1.* " A
" bishop

ed can dispense ecclesiastical faculties for preaching, absolving and administering the sacraments, as well before as after he is consecrated bishop; nay, though he himself should be incapable of exercising the whole of these faculties, in consequence of his not having received priestly ordination. We see then that it is not election or nomination, nor even valid consecration, that confers episcopal authority, but an actual commission from the church to this effect, which is conferred by confirmation or institution. A bishop, however validly consecrated, that has not been

" bishop, who is chosen and who is *appointed by the pope*
 " to a certain diocese and confirmed, though he be not
 " consecrated, has the right of the external tribunal,
 " which he can exercise himself by excommunicating,
 " suspending, or absolving from censure: he has also the
 " right of the internal tribunal in the sacrament of penance, but he cannot exercise it in person, but only
 " by his delegates, if he be not himself a priest."—I leave the reader to compare these passages with the following confident assertions of the Layman: "Nothing is
 " by me asserted but what is with equal or greater stress
 " enforced by Cabassutius," *page 29.*—"Cabassutius does
 " not in any place insinuate that the pope has a right to
 " the confirmation, much less to the nomination of bishops," *page lvi.*—"By none of the church laws is the
 " consent of the Roman pontiff required to an ordination," *page 52.*

G

canonically

canonically instituted to a certain diocese or district, would be precisely in the situation of a priest lawfully ordained, but destitute of spiritual faculties, whose absolution in the sacrament of penance the council of Trent, sess. 14. cap. 7. has declared to be invalid.

This important trust has at various times been exercised by the apostles themselves, by the three great patriarchs, by the provincial councils, and by the metropolitans; but for several hundred years past it has been reserved to the Pope alone*. Whether this jurisdiction, at least in the western patriarchate, originally came from the holy See, and by the actual discipline of the church has only reverted back to the source from whence it came, as the present Pope intimates in his late

* *Van Espen, cap. 4. ar. 5.* "At present the confirmation of all bishops belongs to the Roman pontiff, in conformity with the decrees of the council of Trent." *Sess. 24. cap. 1. de Elec.* "Cum inquisitio de personâ promovenda perfecta fuerit ea in instrumentum publicum redacta cum toto testimonio et professione fideli ab eo (nominato aut electo) facta, quam primum ad Sanctum Pontificem omnino transmittatur, ut ipse summus pontifex plena totius negotii ac personarum notitiâ habitâ pro gregis dominici commodo de illis, si idonei per examen seu per inquisitionem factam reperti fuerint, ecclesiis possit utilius providere."—

brief,

brief, or whether this privilege has been reserved to the Pope, as certain others have been, by the concurring voice of the pastors, is a question that was warmly debated without being decided in the council of Trent, *session* 21.* It is not my plan, nor is it of the smallest

* See the speech of Lainez, detailed by Pallavicini, l. 18. c. 15. in favour of the papal claim, which was considered as a prodigy of argumentation and eloquence.

Thomassinus, c. 8. proves that, by the 6th canon of the first general council of Nice, the pope was acknowledged to have the right of confirming and ordaining all the bishops of the western patriarchate; and in the passage cited by the Layman from the same chapter, he says no more than that the Pope *did not generally exercise that right*, not that he was destitute of a claim to it: on the contrary, he derives the privileges of the metropolitans, who generally confirmed the bishops of their provinces, from St. Peter and his successors; and he observes, that when the apostles, and chiefly the prince of the apostles, created metropolitan sees, they did not divest themselves of their right over these or the inferior bishoprics. He says, ar. 7.

“ Again and again must we inculcate that the authority
“ of certain bishops over other bishops who are equally
“ successors of the apostles, arises from the imitation and
“ the exertion of that prerogative which Christ conferred on St. Peter in placing him over the other apostles,”

Nat. Alex. sec. 8. cap. 5. shews that the popes had the right of confirming all the bishops of the west, and assigns the reasons why they did not in general make use of it.—

Hook, vol. 3. p. 442. asserts that the popes had a right

left consequence to enter into such scholastic questions; it is sufficient for the present purpose

of confirming all metropolitans, and that they exercised it by those vicars whom (it is well known) they had in various parts of the west. The Layman asks with an air of triumph, in the words of Fra. Paolo, why if the popes had this right it was never exercised for a thousand years? and he asserts that the story of St. Chrysologus being appointed and ordained at Rome is a legend. Nat. Alex. however admits this fact, which is totally unconnected with the miracle, and De Marca, Thomassin, &c. demonstrate that the other archbishops of Ravenna, no less than those of Aquileia and Milan, were obliged to receive their confirmation from Rome. They shew at large how the popes delegated this power, at the very gates of Constantinople, to their vicars in Illyria. Thomassin, &c. proves from John the deacon that St. Gregory the Great appointed prelates to many distant churches, those among his own clergy whom he himself judged to be worthy. Many are the instances of the prelates of this country receiving their confirmation, and sometimes their nomination, from Rome. I find in Gul. Malm. three of them, Aldred of York, Guiso of Wells, and Walter of Hereford, travelling in company to Rome for this purpose. But not to multiply examples, I shall satisfy myself with one selected from the earliest history of our church, and of the most incontestable authority. Bede, l. 4. c. 1. tells us that in 668 Pope Vitalien appointed and consecrated St. Theodore, a monk then resident at Rome, to be archbishop of Canterbury; having before offered the same see to Abbot Hadrian, without any communication
what-

pose that, according to the actual discipline of the church, the Pope is at present the only channel through which ecclesiastical jurisdiction can be derived to bishops. There is no catholic bishop in the world, nor has there been for several centuries, who has been confirmed or instituted by any other prelate: and though the exercise of this right was not always confined to the Pope, yet there are innumerable instances in every age of prelates going to Rome for institution and ordination. There cannot be a stronger proof of the actual laws of the church than her universal discipline: the council of Trent sanctions this discipline in the most unequivocal manner with respect to the whole church, at the same time that it admits of the privileges and customs of different places in the article of presentations and nominations, by declaring that it makes no change in that particular.

The author in his second letter admits this authority of institution in the Pope wherever the council of Trent is received, but he denies it is received by the Catholics of this kingdom, *p.* 84. It is notorious however that

whatsoever with the English nation; to which Archbishop Parker, *Antiq. Brit.* tells us, the English willingly subjected themselves,

the

the Pope exercised the prerogative in question in this kingdom, and every where else, before the council of Trent was held, which, it is to be observed, did not introduce a new discipline, but confirmed an old one; whereas those canons, which he holds out as obligatory in regard to elections, never had force at all in this kingdom, * nor was there ever one bishop, from the days of St. Augustin, elected and ordained in conformity with them. With respect to the authority of the council of Trent, which this layman has the presumption to say "gives too much authority to the Roman pontiff," 1 *Let. p. 9.* let us hear our learned Dod: he says, "the council of Trent was never received with solemnity in England, but it is believed that no catholic will presume to reject it, either as to doctrinal matters or those regarding discipline."

* William of Malmesbury testifies, *l. 3.* "that in the time of the Saxons the election of bishops was in the hands of the clergy and monks." In his account of the election of St. Elphege the martyr to the see of Winchester, he tells us, that the monks and clergy disagreeing about the choice of a prelate, St. Dunstan, who was then archbishop of Canterbury, made use of his right of metropolitan, by appointing the above mentioned holy bishop.

I shall close this article concerning institution with the words of his present Holiness, in his brief addressed to the church of France, dated April the 13th of the present year, in which he pronounces the new elected prelates *destitute of jurisdiction*, and their *consecration sacrilegious*. "The right of institution belongs
 " to the holy See alone, according to the canons of the council of Trent; and therefore if any bishop or metropolitan arrogate
 " to himself this right, we shall be obliged, in virtue of our apostolic ministry, to declare
 " schismatics both the bishop who confirms and the person so confirmed." He adds, *page 30.* "This power of conferring jurisdiction, by the new discipline which has been
 " received for several ages, and confirmed by general councils and the different concordates, cannot appertain even to metropolitans, but (having returned to the source
 " from whence it came) resides alone in the holy See, in such sort that, to use the words
 " of the council of Trent, *the Roman pontiff, by the duty of his office, appoints prelates to every see.* Hence no lawful consecration can
 " take place in the whole catholic church, but in virtue of the ordinance of the See Apostolic."—

Such

Such are the actual laws of the church beyond the reach of irreligious policy, democratic fury and temporary revolutions. We may indeed rebel against them, but we cannot overturn them. We may leap out of the bark of Peter, but we cannot alter its steady course. "That small degree of exertion (which the Layman calls us to make) will remove these difficulties," by enabling us to quit the church where this discipline is established; but our utmost force cannot affect, in the smallest degree, the discipline itself. Had we followed the Layman's advice we should have communicated with the French schismatics, who, inconsiderable as are our numbers, would be glad to be countenanced by us alone out of all the churches of Christendom; but, by this time, we should have had bishops without institution, inferior pastors without spiritual faculties, and we ourselves should have been in a state of rebellion against the universal church.

It is not however in the instances I have mentioned only, that we are called upon by the Layman to adopt that admirable system of lay theology called *the civil constitution of the clergy of France*, which the supreme pastor has in his late brief declared to be "partly heretical

tical and partly schismatical," and elsewhere calls "the assemblage and compound essence of many heresies; *Congeries & succus plurimum hæresum*;" you are also required to imitate another most unjustifiable and schismatical attempt of that lay assembly which has subverted the foundations of the antient Gallican church, in pretending with the inferior clergy to erect new bishoprics, or rather, to unite several into one. Now the same arguments which prove that it is not in the power of unauthorised persons to appoint bishops, equally hold good against their claim to erect or unite bishoprics: since this is equally a high act of ecclesiastical jurisdiction, by which the flock of Christ is divided into separate classes, and subjected to particular prelates. This power which, as we learn from the great African council, *can. 65.* has sometimes belonged to metropolitans and provincial councils, is at present, as we are expressly assured in the council of Trent, *sess. 24. cap. 13.* restrained to the holy See *. Now to adopt the

* St. Bernard, ep. 131. ad Mediol. That holy and enlightened man, who spoke with such freedom to popes, and who was incapable of flattering them, as the Layman allows, nevertheless expresses himself as follows in regard to the

the system of the Layman, in attempting by our own authority "to transform these foreign "emissaries," as he calls our prelates, "into "English bishops," 1 *Let. p. 13.* we evidently arrogate to ourselves the right of erecting those districts appointed by the Pope for the exercise of his delegated power into ordinary episcopal sees, or rather of compressing twenty-four bishoprics into four. He asks why we should not follow the example of our apostle St. Augustin in this particular, who did not exactly adhere to the division of sees that had prevailed in the time of the Britons? I answer, for this plain reason; because we have no due authority for this purpose. St. Augustin, as Bede shews *l. 1. c. 29.* had a particular commission from Pope Gregory the Great to this effect; he even received jurisdiction over all the Welsh bishops, as I demonstrated in my last letter. Besides, though the Layman thinks four bishoprics sufficient in

prerogative in question. "The plenitude of power over
 "all the churches in the universe, by a singular privilege,
 "is given to the apostolic see. This see can erect new
 "bishoprics where none have existed before, if it judges
 "it to be for the general good. Amongst those which
 "exist at present, it can depress some and raise o-
 "thers. It can appoint bishops to be archbishops, and
 "vice versa, if there appears a necessity for so doing."

in our present circumstances, other persons may think four too few, or that one is enough. In short, each county, city and congregation, in the case proposed, would be at liberty to decide for itself, and universal church anarchy would be the evident consequence of the adoption of his system.

In speaking of the consequences of popular elections in my former letter, I mentioned the confusion and tumults it would occasion to assemble ten or twenty thousand persons in such a district as that of London for the business in question. For, were the Layman's scheme lawful and practicable, it would not be a dozen or ten dozen individuals met at a tavern, who would be permitted to transact an affair of this magnitude. To obviate this objection the Layman proposes, that the suffrages of the people should be collected at the different chapels. But give me leave to ask, how this would accord with the ancient discipline, which he tells us we are bound to follow, and which required that the business should be

In like manner Ivo of Charters, the great canonist of his age, writing to dissuade Pope Paschal from erecting a new bishopric at Tournay, acknowledges this right to be vested in the Pope. "We do not deny that the holy See can extend or contract bishoprics, if it be for the utility of the people of God, and there be no danger of a schism."

settled at one time and in one place, under the direction of the metropolitan and other bishops? and how would this method prevent intrigue, simony, sedition and violence? What better security should we have than there is in France against Socinians and other infidels electing catholic bishops? The only remedy in this case would be for each voter to produce a certificate of his having complied with the essential duties which the church exacts, as the terms of belonging to her, from every catholic at Easter. Alas! to this proposal, there is reason to fear, a most numerous and powerful opposition would be made. Let us hear on the present subject that wise and experienced judge of human nature, and firm friend to the general interests of Christianity: his words cannot be repeated too often. Speaking of the fanatic principle in favor of popular elections to bishoprics and parochial cures, * Mr. Burke says, "This, in the present
" sent

* A considerable part of the Layman's arguments and authorities equally militate in favour of the popular election of inferior as of superior pastors, in the same manner as is now practised in France. But I have not yet heard of any one English gentleman who has left the choice of his officiating clergyman to the votes of the people. I have heard indeed of a certain congregation where a few factious individuals, who were dissatisfied with a most regular,

“sent state of the world, would be the last
 “corruption of the church, and the utter
 “ruin of the clerical character.” Then ad-
 verting to the abuses to which the attainment
 of church preferment is liable in the present
 system, he goes on, “But that other mode, viz,
 “of ecclesiastical canvass, subjects it infinitely
 “more surely and more generally to all the
 “evil arts of low ambition, which, operating
 “on and through greater numbers, will pro-
 “duce mischief in proportion.” *Reflect. on*
Fr. Rev.

And what after all is the pretence for at-
 tempting these violent and schismatical inno-
 vations? The Layman pretends it is to remove
 the prejudices of Protestants against a power
 which the pope exercises without complaint
 in every protestant country as well as in this.
 Give me leave to say, that this violent outcry
 against a spiritual superior, whose only arms
 are prayers and tears, is artificial, and chiefly
 prevails amongst the Catholics who are infect-
 ed with a fondness for French innovations.
 I have heard the language of the legislators
 of Britain in both their assemblies, and I am

lar, learned and zealous clergyman, came with the Lay-
 man's book in their hands, to prove that they had a right
 to displace him; but I must add, that the situation in
 question was under ecclesiastical, not lay patronage.

clearly

clearly justified in saying that, it is not Rome, but France they are afraid of. It is not that church discipline, which is the model of their own, and which keeps a part of their subjects in order and in peace; but it is that very doctrine which has destroyed the pope's power in France, and which, by calling on the people to exercise their pretended rights, has introduced anarchy both in church and state, that they are with reason jealous of. My antagonist is displeased with the charge I have brought against his system of being calculated to occasion confusion in the established church no less than in our own. But he has not refuted that charge; he has said nothing to shew why the members of that church, which professes to make antiquity its guide, may not, upon his principle, avail themselves of the first favourable opportunity to seize on a right, from which he represents them as being now withheld only by force, 1 *Let. p.* . So far from that, he proceeds to maxims more extensively mischievous. "All government," he says, is instituted for the benefit of society: whenever therefore any considerable "inconveniencies are felt by the people, in "consequence of the laws enacted, they have "an undoubted right to require their abolition or alteration," 2 *Let. p.* 89.

I return

I return to the subject of ordinary bishops, and say, that having proved it to be absolutely necessary our bishops should be instituted by the pope, who alone is the fountain of that jurisdiction and mission, which, according to the canons of the church and the word of God * is the essence of episcopal authority; and it being equally certain, and admitted by all Catholics, that in all great questions concerning faith or discipline we are bound to have recourse to him †; in these circumstances, I say, the present system of being governed by apostolical vicars with foreign titles, at the same time that it is better calculated for unity, is much less invidious to government than that of our having ordinary bishops with English titles. For should this alteration ever take place, our bishops, in conformity with the practice of all other churches, must take their titles, not from the districts they govern, as the Layman pretends, but from their cathedral cities; and instead of vicars apostolic of the western, northern and southern districts,

* Trid. Sess. 23. can. 7. Si quis dixerit episcopos—qui nec ab ecclesiasticâ & canonica potestate rite ordinati, nec missi sunt, sed aliunde veniunt legitimos esse verbi & sacramentorum ministros; anathema sit.

Quomodo prædicabunt, nisi mittantur. Rom. x. 15.

† Concil Sardic. can. 3, 4, 7, &c.

we

we should see pastoral instructions issued to the Catholics of England in the names of the bishops of Bath, York and London.

The real reason why the present discipline prevails amongst us, is because it is suited to our situation as a mission, being the same by which all other missions from England to Abyssinia, and from Abyssinia to China, are governed. Let us first have an established clergy, instead of our present apostolical missionaries, before we pretend to spurn at apostolical vicars, and require to have ordinary bishops; or rather, instead of the present melancholy face which religion wears, let there be some distant appearance of that happy event when the present discipline, by virtue of that very authority which established it, will yield to the ordinary plan of church government. I will insert below an extract from the brief of Greg. XV. constituting the first apostolical vicar, which will throw some light on the subject in question*. As the different missions

* " Quod si, per Dei gratiam, aliquando fides catholica
 " in Angliâ revixerit, adeo ut in sedibus omnibus episco-
 " palibus & archiepiscopalibus, quæ ibidem olim creatæ
 " confirmatæ, et stabilitæ sunt, viri catholici et idonei
 " ordinari et constitui potuerint: volumus et declaramus,
 " quod potestas omnis et jurisdictio prædicto episcopo
 " concessa, ex tunc cesset omnino et fiat irrita; nullam-
 " que

missions have been set on foot by the holy See; so they have ever been under its special direction, until the churches have become sufficiently numerous and well established to be subjected to the ordinary hierarchy, which, however perfect in itself, I must inform the Layman, does not require to be perfect in each particular place. Natalis Alexander remarks, that missions were ever under the special jurisdiction of the holy See, in his account of the discipline of each century, and it is otherwise well known to those who are versed in church history. I formerly quoted the words of Innocent I. in testimony that all the churches of the west, which existed in his time, whether in Italy, Spain, France, Sicily or Africa, (in relation to the last mentioned we have the testimony also of Tertullian) were converted by missionaries from the successor of St. Peter. We have a more certain account of the formation of the different churches in the British islands, Germany and the whole north of Europe, and every one knows that the missions set on foot for this purpose all originated

“ que habeat prædictus in Angliam, five personas aliquas
 “ ibidem degentes, auctoritatem et jurisdictionem, donec
 “ ad sedem aliquam episcopalem fuerit electus et transla-
 “ tus.” Apud Dod. vol. 2. p. 466.

I

with

with the holy See, and that those holy men who felt a divine call, like SS. Boniface, Willibrord, Birinus, &c. to preach the gospel to infidel nations, always conceived it necessary to apply to Rome for a mission to this effect: which authority was conferred upon them in different degrees and forms. Amongst the bishops some were consecrated for particular sees by the pope's order, and received power to erect other sees, while the greater number were, what were called, regionary bishops without any bishoprics, but with jurisdiction over all those persons whom they might convert: such were SS. Swibert, Crobinian, Ursmar*, Boniface of Russia, Birinus, and a thousand more whose history and even whose names I have not leisure to repeat. Now I maintain, in opposition to the Layman, that all these episcopal missionaries, including St. Augustin, and the rest of the English apostles, were, in the strict

* Our sacred biographer speaking of this saint, who flourished in the 7th century, says, "he became the apostle of several districts in the dioceses of Cambray, Arras, Tournay, &c. by virtue of a commission from the holy See he exercised the functions of a bishop: his predecessor St. Landelin, and his two successors SS. Ermin and Theodulph, were invested with the same character." *Buller's Lives of SS. Apr. 19.*

sense of the word, apostolic vicars when they entered on their sacred charge, as ours are, except that the discipline of the church did not require then, as it does now, that no bishops should be consecrated without a title, which is the reason why our bishops, who are really ordained for the English mission*, are consecrated

* The whole argumentation of the Layman, when properly examined, will be found to be directed against the unoffending foreign titles of our bishops. How little our bishops are concerned in what certain prelates might have advanced in their discourses at the council of Trent against mere titular bishops, and how fraudulently the Layman cites their authority to prove his alarming position, "that our bishops have not the power of the keys," (1 Let. p. 11.) will appear from the following words of Van Espen, p. 1. Tit. 13. c. 4. "From what has been already said, it is easy to gather that the complaints made against titular bishops neither now are, nor ever were pointed at those bishops who are consecrated with the view of serving churches which have a catholic clergy and people to feed and rule, but who, for prudential reasons, are required to remain concealed under the title or name of some foreign church in the power of the infidels; though, in reality, they are ordained the bishops and pastors of the aforesaid catholic churches." Thus wrote Van Espen when he was a catholic professor at Louvain. What he afterwards wrote when he sided with the Jansenistical schismatics of Utrecht, and withdrew to Holland, I neither know nor care.

consecrated with foreign titles. For give me leave to ask how those bishops could have ordinary jurisdiction who were not consecrated for ordinary sees? The fact is, the jurisdiction of each one of them, as it is easy to prove, was immediately delegated to them by the holy See *, which interfered on a thousand occasions in enlarging or abridging it.

It is remarkable however that, even in the passage which the Layman cites in the conclusion of his letter, he describes it as being the office of the pope to appoint the bishop of Utrecht, and only maintains that this ought to have been an ordinary and not a vicar apostolic.

* St. Gregory the Great, in a letter to Eulogius, patriarch of Antioch, says, that he had caused St. Augustin to be consecrated by the bishops in Germany, *i. e.* by the French bishops, St. Birinus in like manner feeling a call to preach to the English, received consecration from Asterius of Genoa by the express appointment of Pope Honorius, who at the same time gave him a special commission to preach in this island, which, being near forty years after St. Augustin's arrival, could not be done without a virtual restriction of the jurisdiction of the former bishops. I cannot help once more citing the words of Pope Gregory, addressed to St. Augustin, *Bede, l. 2. c. 27.* "We give you no power over the prelates of Gaul, because the bishop of Arles has received the pall from our predecessors, whom therefore we ought not to deprive of his authority. But we commit to you an authority over all the bishops of Britain, that you may instruct their ignorance, strengthen their weakness, and correct their depravity by your authority."

The

The Layman seems to have no difficulty in acknowledging the resemblance I have pointed out to you between his system and that established by the National Assembly of France, a system which, as his holiness remarks in his late brief, is contrived for the purpose of extirpating the catholic religion. In the following passage he approves of those proceedings in which the very essence of the French schism consists. "The late regulations made in France," says he p. 111. "have taken from the court of Rome the right of confirming the bishops of that kingdom, but this resumption of the right of confirmation affects not the religion of the bishops or of their flocks: and if any bishop elect should, contrary to the rules now established, apply to Rome for bulls of confirmation, he would violate the laws of his country: and he could not pretend that the penalties he might incur by such a proceeding would be inflicted on account of his religion. The same must be said of the catholic bishops of this country." See also the wish he expresses p. 85, to see our terms of communion with the pope reduced within the same narrow bounds as in France. As my adversary is glad to support his

his opinions by the authority of a lay assembly which has torn France from the bosom of the church, and which consists for the most part of professed infidels and materialists, so I am infinitely happy to be able to shew the resemblance between my positions and the maxims of the illustrious fathers and confessors of the Gallican church in those enlightened instructions they have addressed to their flocks on the present subject.

I shall begin with certain extracts from the *Exposition of the principles contained in the civil constitution of the clergy of France*, published 30th October 1790, by the thirty archbishops or bishops who originally were members of the National Assembly, "in expectation, as they say, of the declaration of St. Peter's successor, who, placed in the centre of catholic unity and communion, is to be considered as the interpreter and organ of the universal church."

After complaining, amongst other things, that their colleagues of the National Assembly had invaded ecclesiastical jurisdiction, in pretending to alter the limits of the ancient sees, by suppressing some and erecting others, as also in prohibiting the bishops elect to address themselves to the Pope for confirmation

tion, but appointing this to be done by the metropolitan or most ancient bishop of the province, and in establishing popular elections of bishops and curates, &c. they proceed to explain the nature of ecclesiastical jurisdiction, p. 5. which they say " is an authority
 " peculiar and essential to the church, independent of the secular power, and has for
 " its objects the teaching of Christ's doctrine and the administration of his sacraments, p.
 " 3. The church exercises this power by
 " appointing her ministers, inflicting her censures and constituting her own laws and
 " regulations. p. 4. These laws, called canons, are not only written rules, but such
 " customs also as descend to us by tradition." They afterwards prove, p. 10, 11. that as this jurisdiction is independent of the civil power, so no authority but that of the church can affect the limitation of dioceses, &c. and that as bishops receive their spiritual authority from the church alone, so the church alone can deprive them of it, or contract or enlarge that jurisdiction which it is always accustomed to confine to a certain portion of the faithful contained within such and such limits. Speaking next of the confirmation and election of bishops, p. 35. they deny that it is in the power
 of

of any single bishop or metropolitan, without being canonically authorized for this purpose, to give institution to any prelate; and *p.* 36. they assert, that in the ancient church the people elected their bishops, in as much as the church called for their testimony to reveal the faults and merits of the elect; but *p.* 37. that the election itself was properly made by the bishops assembled; that councils alone often filled vacant sees, and that, upon a change of discipline, the right of election (such as is above explained) was transferred in France to the cathedral chapters.

I shall next quote a few passages from the learned Bishop of Boulogn's pastoral letter, one of the most admired of these productions, and which therefore has been republished by the Archbishop of Paris for the instruction of his flock.

" A bishopric, says he, *p.* 16. cannot be
 " erected without giving spiritual jurisdiction
 " to the bishop over the clergy and people of
 " such diocese—the extent of a bishopric can-
 " not be enlarged without extending the said
 " spiritual jurisdiction over persons who were
 " not subject to it before. Now to give spi-
 " ritual jurisdiction or to take it away is an
 " act of spiritual authority. How then can
 " any

" any civil power pretend to meddle with it ?"
 —P. 21. " This temporal power is equally
 " incompetent to regulate whatever concerns
 " the choice or the institution of pastors.
 " For we beg to know whether to confer a
 " right of choosing prelates, to fix the condi-
 " tions of their eligibility, to delegate power
 " to other bishops to confirm such as are cho-
 " sen, to prescribe the precaution necessary
 " for ascertaining the orthodoxy of those who
 " are to be instituted, are not all acts of spiri-
 " tual authority ?—P. 22. " In vain, to ex-
 " cuse such irregular conduct, do those, who
 " adopt it, pretend that they only aim at re-
 " establishing primitive discipline ; for the
 " answer to this pretence is obvious ; the re-
 " establishment of that discipline, which pre-
 " vailed in the ancient church, can only be
 " effected by the same authority which origi-
 " nally established it*.—P. 29. " The qua-
 " lity of visible head of the universal church
 " is not an empty title. It implies a primacy

* Febronius a late German innovator, but who has
 since retracted his errors, speaking of certain pretended
 corruptions of the church discipline, says : " We must
 " nevertheless submit till some future general council
 " shall bring things back again to their former state."
Prædrom. Hist. Trev.

“ not only of honor, but likewise of jurisdiction over the whole church, and no one can be a Catholic without acknowledging this authority.”

The archbishop of Paris, in another instruction issued by him the 7th of February, 1791, speaking of the new elected bishops, says, p. 7. “ Will these bishops called to the government of dioceses by the secular power, and contrary to the wishes and laws of the church, be lawfully called? From whom will they receive their mission and powers? How will they unite themselves with that chain of pastors, which has continued up to the apostles.—Their acts of jurisdiction will be null, and they will exercise a ministry of death among the people.”

Bishop of Amiens, November 29, 1790, “ The existence of the authority and jurisdiction of the Pope is of divine right, and an article of faith. Now the new constitution pretends to establish bishops without a mission from the apostolic see, and without this mission, according to the actual discipline of the church, they would be false bishops, who, not entering by the door of
“ the

“ the sheepfold, would be thieves and robbers.
 “ Those who acknowledge such schismatical
 “ bishops, would be schismatics themselves,
 “ their acts of jurisdiction would be null, the
 “ priests approved by them would have no
 “ valid faculties, the absolutions they pro-
 “ nounce would not remit sin. For the coun-
 “ cil of Trent says, *Seff. 23. can. 7.* if any one
 “ maintains that they, who have not regularly
 “ received their order and mission from the
 “ ecclesiastical and canonical power, are law-
 “ ful ministers of the sacraments; let him be
 “ anathema.”

The Bishop of Soissons exclaims; “ What
 “ a striking difference is there between the
 “ idea exhibited to us of the Vicar of Jesus
 “ Christ in the catholic system and in that of
 “ modern innovators! The latter deprive
 “ him of the prerogative of conferring divine
 “ institution and the other rights, which the
 “ existing laws of discipline, the public faith
 “ of the concordate and the possession of ages
 “ have secured to him. They allow him in-
 “ deed the title of visible head of the church,
 “ and they call his seat the centre of unity.
 “ But with what truth or propriety? Since in
 “ their system the quality of visible head is no
 “ more than an empty name, and the centre of

“ unity is no more than an ideal point on which
 “ it is impossible for the grand edifice of the
 “ church to rest.—Without the authority of
 “ jurisdiction what is the right of superinten-
 “ dency but an empty shadow!”

Letter of the Bishop of St. Pol de Leon,
 “ The jurisdiction of those, who are lawfully
 “ invested with canonical institution, being
 “ limited by the church to a certain district,
 “ cannot be extended but in virtue of the same
 “ power.—The supreme Pontiff, in quality of
 “ head of the church, has received from Jesus
 “ Christ the same primacy of honor and jurif-
 “ diction he gave to St. Peter.—A new elect-
 “ ed bishop pretending to receive institution
 “ from a metropolitan, or other bishop, on
 “ whom the church has conferred no such
 “ right, would not receive spiritual jurisdic-
 “ tion, and of course could not communicate
 “ it to his inferior pastors; hence all the ab-
 “ solutions which such pastors might pro-
 “ nounce, except in the case of dying per-
 “ sons, and all their other acts of jurisdiction
 “ would be null and void.” See the instruc-
 tions of the bishops of Alais, October 27, 1790,
 of Beziers, Nov. 9, 1790, of the Archbishop
 of Rheims, and of a hundred others which all
 inculcate precisely the same doctrine.

I cannot

I cannot help adding to these a few lines from the eloquent speech of the celebrated Abbè Maury delivered in the National Assembly, which had the surprising effect of reducing even the loquacious Mirabeau to silence, who, undertaking to deliver the doctrine of the church without being acquainted with it, maintained that bishops held their jurisdiction by their ordination. “ Thus, gentlemen, says he, *p.* 17. we acknowledge no other lawful mission, no other spiritual authority in the church, than that which takes its source from the centre of catholic unity. The body of the pastors form a sort of a great tree, of which the holy see is the trunk. Whatever new branches do not issue from this trunk, will be fruitless and blasted. To attempt to supply this apostolic mission, by a delegation from the civil power, would be to renew the ancient error concerning investitures, an unfounded claim on the part of the Emperors, which they were obliged many ages ago to relinquish.”

CONSE-

CONSECRATION OATH.

There is but one more innovation wanting to make the system you are invited to adopt on the appointment of bishops perfectly accord with that of the schismatics of France, which is to expunge from the public liturgy of the church the consecration oath. This oath, which as the catechism of Montpellier, *par. 3. sect. 1.* tells us, is appointed as a “bond of
 “that union which catholic bishops are bound
 “to preserve with the holy see, and of the
 “respect that is due from them to the pope and
 “his successors,” the layman represents, in both his letters, as incompatible with the allegiance the bishops owe to their king and country: notwithstanding that the bishops of the established church, at their ordination, equally swear obedience to their metropolitan, and that all Catholics indiscriminately are called upon in the creed of Pius IV. to swear obedience, in general terms, to the head of the church. Before I enter farther into this subject, I could wish to ask the Layman, whether in pronouncing the duty implied by the consecration oath and that of civil allegiance to be
 incom-

incompatible with each other, he means to assert that all the catholic bishops throughout the world are at present and have been for many hundred years past, bad subjects to their princes and perjured wretches; or barely to affirm that the most learned and intelligent order of men in every age and country have not been able, even in those assemblies and councils that have been held for the express purpose of restraining the Pope's power within the limits of his spiritual province, to comprehend the meaning of their own engagements to him? His charity seems to lead him to the latter supposition, but is it not more probable that the Layman, rather than the whole episcopal order, may have mistaken the import of the consecration oath?

It would be an unnecessary loss of time to pursue the history of those tests of orthodox faith and canonical submission which the popes, patriarchs and metropolitans have been in the practice of exacting from those inferior prelates, whom they had a right to ordain. Let it suffice to say, as a general answer to many of the Layman's objections, that these promises, which De Marca says latter ages called *oaths of fidelity*, are of the highest antiquity, and that by the same rule as the church

con-

condemned any alteration in them by undue authority in past ages, she condemns the same now*. These were evidently introduced into our church with christianity itself†. The urgent reasons for rendering these engagements more ample and explicit than they had been before, and for reducing them to their present shape, may be seen in Natalis Alexander and Thomassinus who warmly defend them. The latter, c. 46. says, that if the form of words in the pontifical be not of the same necessity now, as in the times of schism, violence and anarchy, when it was first adopted, "it is better to use remedies that are not absolutely necessary, than fall into those evils that have heretofore made them necessary."

I shall leave those clauses of the oath which the Layman has not arraigned as being

* See Resp. Pii VI. ad Metr. p. 399. "Nunquam nobis probabitur quidquid novi quærat addi vetustissimis formalis juramenti, quod episcopi omnes cujuscumque nationis tot sæculorum intervallo sancte religioseque servarunt."

† We meet with several very strong and explicit forms of this nature in *Wharton's Anglia Sacra*, vol. 1. and amongst the rest one addressed to Ceolnod Archbishop of Canterbury by our famous St. Swithin. That in use in the established church may be seen in Burn's *Eccles. just.*

of a treasonable or seditious tendency, to the consciencies of the bishops themselves, being well persuaded that they do not stand in need of the advice of any lay casuist for directing them right: I will not even enter on any further arguments to prove that the amiable Fénelon and the meek Challoner did not bind themselves, when they became bishops, to commit any act of exterior violence against those who differed from them in faith, or to pursue them with any other weapon than with *the sword of the spirit, which is the word of God*, since the arguments I have heretofore brought stand uncontroverted, and since the Layman himself is obliged to yield, that the Latin word which has served as the ground work for this odious charge, does not, in its genuine classical meaning, imply what is meant by the English word *persecution*: (and I hope the Layman will allow there is no immorality in our bishops swearing in the proper and genuine meaning of words.) The sole object then for our enquiry is, whether there is any thing in the consecration oath incompatible with that full, explicit oath of allegiance which our bishops have lately negotiated with government, and called upon the catholic body to join with them in taking, by the terms of

L

, which

which they bind themselves " to defend his
 " Majesty King George III. against all at-
 " tempts whatever, that shall be made against
 " his person, crown or dignity," and declare,
 " that the Pope has no temporal or civil
 " power directly or indirectly within this
 " realm?" It is certain the bishops are con-
 scientiously persuaded that no such opposition
 exists, and it is equally certain that the legisla-
 ture, upon sufficient proof, are convinced that
 our bishops are to be believed upon their
 oath.

Upon what now does the Layman ground
 his assertion, that the consecration oath is in-
 compatible with the duty of allegiance? He
 says, that " De Marca calls it an oath of fide-
 " lity." I grant he does, and I cited his
 words above, amongst other reasons, to shew
 that he conceived the ancient promises of
 obedience to have been the same in substance
 with the pontifical oath, and to have differed
 only in matter of form. That an oath of fide-
 lity had not anciently the confined meaning
 which it has now, appears from Florence of
 Worcester, who asserts that our great Canute
 swore fidelity to his own subjects: on the other
 hand, that De Marca did not conceive the
 consecration oath, by whatever name it was
 called,

called, to interfere with the temporal fidelity due to the sovereign, may, I think, be inferred from his own conduct: since he, who was so loyal a subject, and who wrote a large folio to ascertain the precise rights of the church and the state, took this very oath, when he was consecrated for the see of Paris, without any scruple that ever I could hear of; whereas Archbishop Cranmer, who intended to break communion with the Pope, had strong objections to it*. The Layman calls upon me to point out the difference between the ancient feudal oaths, particularly that taken by King John to the legate Pandulph, and the oath in question. With respect to the terms and extensive meaning of those short energetic oaths in general, I shall satisfy myself with referring to our learned Spelman†: but surely my antagonist, to make use of his own words, builds much on the ignorance of his readers when he refers to the particular instance mentioned above. For give me leave to ask him in what part of the consecration oath he finds any thing like the following clause extracted from King John's oath: " I will be assisting to the Pope " to the utmost of my power, to preserve and

* Burnet's Hist. Ref. &c.

† Spel. Archæolog.

“ defend against all persons whomsoever, the
“ kingdoms of England and Ireland*.”

That some popes have been ambitious and avaricious, I mention with sorrow, not with triumph; and that they have caught at still more frivolous pretexts to accomplish their worldly purposes than that derived from the oath in question, I have not to learn: but, I own, I cannot think the single instance alleged of the requisition made by Gregory IX. ought to be pressed too close, since it is allowed that this very Pope required all inferior bishops to take the same oath to their metropolitans, which their metropolitans took to him†, and surely no one will suspect that Gregory IX. intended to make all metropolitans the temporal sovereigns of their suffragan bishops. Who has not heard of Clement VII. being besieged in his capital by the Spaniards and Imperialists, and of Julius II. being overcome and oppressed by the French? Yet what catholic bishop, even of those who enjoyed independent principalities, was called upon to levy armies or subsidies for the assistance of either of these pontiffs, or reproached

* Mat. Paris, ad annum 1213. † Van Espen, Tit.
15. c. 2. a. 8.

with the violation of his consecration oath for neglecting the same? But what is more directly to the present purpose, we have seen in our days a few prelates, with an Archbishop and Cardinal at their head, invade both the spiritual and temporal rights of the pontiff; in return we have heard Pius VI. with irresistible force of argument convict them of schism, but no where does he charge them with civil rebellion, or with having violated the supposed fealty contained in their consecration oath*. In short he himself has expressly declared in his work addressed to the ecclesiastical electors of Germany, that the alledged contradiction between the consecration oath and the duties of allegiance is a mere fiction†. The Layman refuses to pay attention to the explanation given by the congregation of Cardinals to a most loyal and orthodox prelate of Ireland‡, whose irreparable loss just now calls for our tears: let him at least pay respect to that given by the head of the church himself.

* Breve Card. de Lomenie, 23 Feb. 1791.

† Resp Pii VI. ad Metr. ibid. " Non vera est com-
" mentitia juramenti collisio cum legibus & consuetudi-
" nibus imperii."

* Dr. James Butler Archbishop of Cashel.

Let us suppose, that certain popes have forbidden what, out of respect for the episcopal character, the sovereigns long refrained from exacting, namely that bishops should take the common oath of allegiance; we knew however that these very popes did not deny the duty of allegiance to be due from bishops to their sovereigns. The truth is, the time we allude to was that when the dispute about investitures was at the greatest height, and before the church and state had settled their respective claims, which were afterwards settled, Thomassinus informs us, on the following terms, *viz.* that investiture belonged to the church alone, but that homage and the oath of allegiance might be lawfully exacted by the sovereign.

I asserted in my first letter, that my antagonist, in representing our catholic bishops as bound by an oath of civil allegiance to a foreign prince, had afforded the most plausible pretext that could be devised to government, for rejecting that indulgence which Catholics were then in expectation of, and every one must feel the evidence of this allegation. In return, he says, that protestant writers have brought the same accusation before him: but the question is, have the catholic writers admitted

mitted the charge? No, they have uniformly denied and refuted it. Surely it is one thing to be accused, another to plead guilty. In answer to the partial glosses of four controvertists permit me to cite the words of the learned and honest church historian, Jeremy Collier, in his account of the suppression of this oath, which accompanied the suppression of the pope's supremacy*. Having stated the objections of Burnet against the oath in question, he says, "Possibly, after all, the inconsistency between these oaths (of allegiance and consecration) may not be so clear as has sometimes been pretended. The most exceptionable clause in the bishops engagement to the Pope is their swearing to maintain the regalia or royalties of St. Peter. Now why may not these words be restrained to a spiritual supremacy? These the bishops promise to maintain against all men, that is, within the compass of their duty and character." Had the candid historian happened to have consulted the original oath in the pontifical, instead of Burnet's faithless translation which he transcribes, he would have found the only difficulty that strikes him compleatly done away, in the saving clause, *salvo meo ordine*, which

* Eccles. Hist. vol. 2. p. 68.

restrains

restrains the defence in question of the royalties of St. Peter within the compass of the duty and character of bishops, which clause Burnet very unfairly suppresses.

OATH OF SUPREMACY.

Here the controversy between me and my antagonist ought properly to close: the canonical mode of appointing bishops, and the nature of the engagements entered into by them at their consecration, were the only questions at issue between us. The Layman promised, at the beginning of his second letter, *p.* 2. not to "touch upon any extraneous matter." As he has not kept his promise, I shall make no apology for following him in a few of his excursions, which, if not checked, may mislead the ignorant into practical errors. The first and most dangerous of these is the defence he sets up of the oath of supremacy. The manner in which this subject is forced on the public notice, and the earnestness with which it is followed up, give too much countenance to various public reports of consultations having been held on the lawfulness of this oath, and afford too much reason to apprehend,

prehend, that this dissertation may be intended to prepare the minds of Catholics for a more direct proposal of reducing the present theory to practice*.

I think it necessary to state the manner in which this subject is introduced by the Layman, as it gives me, at the same time, an opportunity of vindicating an argument I before made use of with respect to the consecration oath which has been more than once misrepresented. Speaking then precisely of the obedience and fidelity pledged by bishops to the supreme pastor, I maintained that, as these were due to all our lawful superiors spiritual and temporal, so it was lawful to engage the same to them in general terms, and that the nature of the obedience so generally engaged was sufficiently determined, with respect to our civil superiors, on one hand, and our ecclesiastical on the other, by their respective cha-

* The author has too much reason to say, that the unwillingness which a few individuals expressed to part with the epithets, *heretical, impious and damnable*, as applied to the deposing doctrine, in the late exploded oath, did not arise from any sense of their propriety, but in consequence of their occurring in the corresponding passage of the oath of supremacy. The inference from which is unfortunately too obvious.

acters and situations: hence I inferred that a general promise of obedience made to the Pope no more implied civil subjection, than a similar promise made to a civil magistrate implied subjection in spiritual matters. I never pretended, however, that where obedience, of its own nature, is determined to be ecclesiastical or civil, the opposite character of the superior to whom it is paid, is capable of changing its nature: I was not guilty of such an absurdity. Yet as if I had clearly established this position, and as if it were incontrovertibly true, the Layman takes occasion to argue in the most emphatical manner, that because the sovereign is a civil character*, the supremacy which is sworn to him, *as head of the church*, is of the same nature. It is true he does not ground himself entirely on this argument, but builds likewise on the opinion of certain Catholics in the reign of Charles II. on the explanations of certain protestants, and above all on the injunctions of Queen Elisabeth, which she set forth in the first year of her reign, to explain the nature of the supremacy she claimed.

* Jacob *Ar. Supern.* says on the authority of Coke, that
 “ the King is *persona mixta & unita cum sacerdotibus*, and
 “ that he is the supreme ordinary, &c.”

I grant

I grant that at the time mentioned, as we gather from Cardinal Barbarini's letter addressed to Dr. Gage*, some of the people (*quosdam de populo*) took this oath; but it appears from the same passage that this conduct was condemned, as an utter renunciation of the catholic religion, both by the divines of Douay and Paris, the latter of whom testify that only two individuals of the catholic clergy in England had defended the lawfulness of that test, both of whom soon after renounced their religion. It appears on the same page of our church historian, that even John Austin's friend Mr. Sergeant not only vindicates himself, but likewise all those who applied to him in his spiritual capacity, from the charge of having subscribed to this oath. It would lead me into too wide a field to examine the reasoning of the protestant authors, which the Layman quotes at length, in order to reconcile the English Catholics to the oath in question, and which in general is very wide of the mark, though enough might be gathered from the concessions of these very writers to prove the unlawfulness of it on catholic grounds. Before we close this article we shall

* See Dod, vol. 3. p. 583.

have an opportunity of seeing how far the Layman is justified in the confident assertion he cites from John Austin, that "there is not extant the testimony of one protestant writer to prove, that more than a civil and political power is implied by the oath of supremacy."

But what now say the famous injunctions of Elisabeth on which the Layman lays so great a stress? And what else is disclaimed by them or by the 39 articles except the actual ministry of the sacraments and of God's word? as if, says Bossuet, Catholics ever supposed the Queen intended to mount the pulpit or distribute the communion. It is plain from these very instruments that she claimed, and it is equally plain from all history that she exercised, a real ecclesiastical jurisdiction in all cases whatsoever. She claims it in these very injunctions to the same extent as Henry VIII. and Edward VI. had claimed and exercised it; the former of whom, we know, in virtue of his supremacy, suspended and "laid asleep," as Collier expresses it, *p.* 144. all other ecclesiastical jurisdiction but his own; while the latter not only exercised it in the same shape, (as for example in his inhibition to the Bishop of

of

of London*) but likewise in many others, as when he granted a dispensation to Dudley Earl of Warwick to eat flesh meat and other prohibited viands during the fast of Lent†. She herself appointed a commission of laymen, by virtue of her supremacy, to make ecclesiastical visitations, even with the power of inflicting excommunication‡. That the jurisdiction, which the Queen exercised in so many instances, was esteemed to be of a real spiritual nature, may be gathered from the famous Dr. Heylin§, who vindicates the exercise of it by the authority of our divines, whom he quotes as allowing the exercise of spiritual jurisdiction, even to the inflicting of the sentence of excommunication, in an abbess, when duly authorized for this purpose. In short, whatever jurisdiction the Queen disclaimed, it is certain that she claimed all that which the Popes had before claimed and exercised, to extinguish and annihilate which was the whole spirit and intent of the act of supremacy: in so much that it was rendered capital to acknowledge that the Pope had any jurisdiction whatsoever over any native subject of

* Collier, Hist. Eccl. vol. 2. Rec. 53. See also Rec. 41. † Ditto, pref. ‡ Ditto, p. 421. § Heylin, Hist. Ref. p. 108.

this realm; and many have been the conscientious victims of our religion, who have suffered a cruel death in virtue of the same.

The Layman will say that the illustrious Chancellor More, and the ornament of the prelatie order Fisher, with a host of other religious sufferers in the same cause, did not understand the nature of ecclesiastical jurisdiction; in the same manner as he has the modesty to affirm of those veteran and profound divines, Stapleton, Harding and Parsons. Undoubtedly they did not understand ecclesiastical jurisdiction as explained by the National Assembly of France and by our author, where he asserts in the words of Hale "that the determination of the exercise of the powers of order as to time, place, persons, manner of performance is derived from the crown, *p. xxvi:*" nevertheless we must say that if the spiritual authority of the pope is not invaded and absolutely annihilated in this kingdom by the oath of supremacy, not only the Catholics but the Protestants too, during more than two centuries, have been ignorant of the tendency of that act; since nothing is more certain or more obvious than that this act was enacted, and has served, for a barrier against Catholics,

Catholics, and that it is preserved to answer that very purpose at present.

I have already cited the opinion of one learned divine and historian of the protestant church with respect to the meaning of the oath of supremacy, I will close this article with giving that of another remarkable for his honesty and conscientiousness. Collier, vol. 2. p. 483. speaking of the debates in parliament relative to the act of supremacy, in the reign of Elisabeth, mentions the speech of a certain learned lawyer, in which he maintained, *that the oath contained in the said act did not touch any spiritual matter, but only bound the subject to recognise the sovereignty of his prince*: In opposition to which doctrine he expresses himself as follows: “ This is a great
 “ mistake, as the reader may perceive by the
 “ form; for here the subject swears two
 “ things in which religion is materially concerned: first that *the Queen’s Highness is the*
 “ *only supreme governor of this realm in all*
 “ *spiritual or ecclesiastical things or causes.* And
 “ secondly, *that no foreign prelate or potentate*
 “ *has or ought to have any jurisdiction or authority ecclesiastical or spiritual within this realm.*
 “ Now no person, who believes the Pope the
 “ principle of unity and the spiritual head of
 “ the

“ the Catholic Church, can possibly take this
 “ oath with a good conscience. But notwith-
 “ standing the error of this persuasion, if the
 “ papal supremacy is thus restrained to mat-
 “ ters purely spiritual, those who maintain it
 “ have room enough for their allegiance, and
 “ may be loyal subjects to their prince.”

Let any one who pleases take the oath of su-
 premacy, but let him not bring that stigma
 on the catholic body of taking it in quality
 of a Catholic. Nor is there any reason why
 such a person should keep any measures at all
 with the church, as in fact the church will
 keep none with him, but vomit him out of her
 communion.

OATH OF ALLEGIANCE.

I could not take notice of the oath of su-
 premacy, without making some reflections on
 the famous oath of allegiance, which kept
 the Catholics in a constant ferment from the
 beginning of the reign of James I. to the lat-
 ter end of that of James II. that is to say,
 during the greater part of the last century;
 which subject has been revived among Catho-
 lics,

lics and agitated with uncommon warmth during the last two or three years. Thanks to the fatherly tenderness of our gracious sovereign, thanks to the enlightened wisdom of an unpersecuting church and legislature, that symbol of discord is cast aside: the Layman can no longer reproach those with holding the deposing doctrine, whose conscience will not permit them to swear that it is *impious, damnable and heretical**. He can no longer accuse our peaceful prelates with "sacrificing the welfare of the Catholics of this kingdom to the pretensions of a foreign court," 1 *let. p.* 13. because they refused to sacrifice their speculative *religious* tenets. Government has sifted our principles to the bottom, and has not found a particle of disloyalty or sedition amongst them. They have prescribed the test of our allegiance, and now

* From a conviction that the terms *impious* and *damnable* are inapplicable to the deposing doctrine as well as that of *heretical*, and that in reality they fell under the censure of Paul V,—the author confesses that he exerted himself to get the former expunged from the proposed oath in a late stage of the Catholic bill, as he had done with respect to the latter in an early stage of it; at which time the first crown lawyer in the Lower House acknowledged to the author, that there was *as much propriety, on catholic grounds, in swearing that the deposing doctrine was MATHEMATICAL, as that it was HERETICAL*.—See the learned and liberal Bishop of St. David's speech at the second reading of the bill in the House of Peers.

the whole question is, who amongst us shall, with most unshaken fidelity, adhere to it in every unforeseen contingency, and support that government, which first of all for so long a space of time has recognised Catholics as good subjects. It is not then to defeat the intent of those still recurring assertions and endless quotations of the Layman, by which he insinuates, that the connection of Catholics with the head of their church in spiritual matters has influenced their conduct in temporal concerns, and that the clergy in particular have always acknowledged the Pope as their civil no less than their temporal head, that I take up this matter; thank God, the happy turn of our affairs has rendered this unnecessary; it is to vindicate the memory of our slandered ancestors, for whose characters I feel much more tenderly than for my own, it is to refute calumnies that, since I read the Layman's book, I have heard vented in one of the most illustrious assemblies of the universe, by a gentleman whose information concerning affairs of remote antiquity is probably more accurate than concerning the history of the Catholics in the last century. I am fully sensible of the policy of the compromising system now in fashion, one branch of which is to sacrifice

crifice our ancestors to save ourselves. I know how well calculated this system is to meet the prejudices of those, whose opinions must be respected: but I scorn flattery and subterfuge of every kind. In pretending to be a good subject of this realm, I do not pretend to be a better than the Catholics were in the reign of an Elizabeth excommunicated by the Pope, or in the reigns of the Stuarts, to whom the above mentioned refused to swear allegiance in the prescribed form of oath; and I boldly assert, that the history of the oath in question has been wilfully misrepresented by too many Catholics of the day to answer a purpose of policy. Let us hear a few of the candid and charitable assertions of the Layman on this business.

He says, *pages 68, 69*, that King James's oath was "precisely intended to convey a
 "renunciation of ultramontane prejudices,
 "that the Catholics in general were disposed
 "to take it, and that the most distinguished
 "of the clergy wrote invincibly in defence
 "of it, considering it as unexceptionable*,—
 "but

* The first writer I have discovered in favour of the oath was Theophilus Higgons, under the assumed name of Richard Sheldon, in a work called *Certain general reasons*,

“ but that the orders of the court of Rome,
 “ and the strain of the purple Cardinals were,
 “ Go

&c. He goes fairly into the merits of the chief contested passage, no less than into less objectionable matter; though his reasoning is neither grounded on Mr. Reeves new system of parliamentary heresy, nor on what the latter calls the “ unsatisfactory distinction of material and formal heresy;” but on a mere quibble of words. So far from representing the Catholics in general as favouring the oath, he testifies, that he himself, by taking it, passed with the English Catholics for an apostate. Certain it is, that soon after this he renounced his religion, and preached his recantation sermon at St. Paul's cross.

Next comes the great hero of the oath, Father Thomas Preston, a Benedictine monk, who wrote under the signature of *Roger Widdrington*, which was the real name of a young Catholic gentleman of noble family in Northumberland. Being desirous of paying his court to the ministry, whose views in drawing up the oath we shall see were unfair, he insidiously avoids the main difficulty in *his Apologia*, &c. and engages with Bellarmine on the sole subject of the deposing power. In this he lays down many false and treacherous maxims calculated to curry favour with an intolerant ministry, and to justify the bloody persecution then raging against his catholic brethren. These and his other singular opinions are exposed by Adolphus Sculkenius, *i. e.* by Bellarmine himself. Notwithstanding what the Layman insinuates, *p.* lxvii. it does not appear that he was tempted with any other advantages than those which he actually availed himself of, namely a comfortable and unrestrained situation, *see Faulis's Rom. treas.* and probably

" Go to prison and the gallows sooner than
 " profess allegiance to your sovereign!" He
 says, that those many learned and pious
 Catholics, who during the reign of James I.
 and the two Charles might have saved their

probably some other douceurs, *see Dod*, which all the sub-
 scribing priests, and he himself in particular, enjoyed in
 the Clink. Had Dr. Kellison thought him as firmly at-
 tached to his religion as the Layman represents, that let-
 ter, which seems to have induced him to condemn his
 own writings, would have been the highest impertinency
 and indecency, where the Dr. tells him; " Perchance
 " you expect greater preferment in the tents of the
 " churches enemy than in her camp and service." *Dod*,
 vol. 2. p. 48a.

George Blackwell, the first arch-priest, also wrote a let-
 ter in defence of the oath, which he subscribed himself,
 but not till he was seized upon and obliged to redeem
 himself from imprisonment by so doing. The late ele-
 gant church-historian Bercaſtel, vol. 20. says, " he died
 " in heresy with respect to images and other ordinan-
 " ces."

We have in *Dod*, *ibid.* a letter from James I. to the
 Archbishop of Canterbury, ordering him to release from
 prison, and assist with money, Thomas Green a Benedic-
 tine, who had taken the oath, William Wormington a
 secular priest, who wrote in defence of the oath, was re-
 commended also by the King to Dr. Bilson Bishop of
 Winchester, by him to be provided for in reward for the
 same service. *See Foulis*, p. 532. I shall elsewhere
 speak of the famous Walsh.

lives

lives by taking the oath of allegiance, "were
 " enthusiasts who suffered for violating the
 " first law of their country. *p.* lxiii."—that
 they were " slaughtered as victims to papal
 " ambition." He even asserts, *p.* lxiv. that
 " Pope Paul V. declared, that an oath of
 " civil allegiance clashed with faith and en-
 " dangered salvation," and that " the depo-
 " sition and absolving powers could not be re-
 " nounced without violating catholic faith!"
p. lxxv.

It is true the popes, for many ages, claimed, in certain cases, the deposing power, the real ground of which pretension was the concession of the princes themselves, who admitted it (as even the Emperor Henry IV. did, in case of apostacy from the faith) as an appendage of the right of excommunication: but it is false that the see of Rome ever required the acknowledgment of this claim as the condition of communicating with her, as the constant and uniform doctrine and conduct of the Gallican church demonstrates. It is false that this claim was, either before or after the Reformation, ever admitted by the English Catholics. We all know that a sentence of excommunication and deposition was fulminated by Paul III. against Henry VIII.
 and

and all foreign princes were required to take up arms against him; "but neither did his "Catholic subjects or any Catholic prince" as Bossuet shews*, "pay any regard to this "sentence." We have been stunned of late with the account of the famous excommunication and deposition of Elizabeth by Pius V. but what was the conduct of those Catholics who were sacrificing their lives and fortunes to the spiritual supremacy of the Pope, at the time when these Vatican thunders were seconded by all the artillery of the invincible armada, and during the whole course of that bloody reign? Theophilus Higgons, in a book published by the order of the Archbishop of Canterbury, says, the Catholics in 1588, notwithstanding the said excommunication and deposition, requested the Queen that they might be placed in the front of the battle, to oppose the formidable infantry of Spain. But what is more to the purpose is, that out of the 124 priests and the 57 lay persons who suffered for their religion in Queen Elizabeth's reign, whose history has been compiled by the late reverend Dr. Challoner, it does not appear that any one of them paid any regard to

* Defens. Decl. t. 1. cap. 23.

the papal deposition; but with the same freedom as they confessed the Pope's supremacy, they acknowledged the Queen's independent sovereignty.

In opposition to the Layman's interested and passionate account of the oath of allegiance, I shall place the artless narrative of the author just quoted, whose *memory is in benediction* amongst us, drawn up in the calm interval between the ferments caused by the oath in the last and the present century: I shall then give those of the learned Sorbonist Dod in his invaluable memoirs, and of the immortal Bossuet in that very work which he wrote in defence of the Gallican principles against the temporal power of the Pope.

" In the year 1601, Queen Elisabeth set
 " forth a proclamation to promise some fa-
 " vour to such of the clergy as should give
 " sufficient assurance of their allegiance to
 " her as their lawful sovereign. Upon this
 " some of the leading men amongst them met
 " and drew up a declaration or profession of
 " allegiance, wherein they declared, first that
 " they acknowledged Queen Elisabeth for
 " their true and lawful sovereign; secondly,
 " that they were willing to obey her at all
 " times, &c. thirdly, that they abhorred all
 " con-

" conspiracies, &c. and were ready them-
 " selves to defend, and to persuade other Ca-
 " tholics to defend her person, state and do-
 " minions against all invasions or hostile at-
 " tempts made by *whomsoever*, or up on *what-*
 " *soever* *pretexts*, notwithstanding *any excommu-*
 " *nication* denounced or to be denounced a-
 " gainst her Majesty, &c." This was signed
 by Dr. Bishop afterwards titular Bishop of
 Chalcedon, Colleton, Dean of the Chapter, a
 person known to and respected by James I.
 Dr. Champney the eminent controvertist,
 Drury and Cadwalladar, who suffered death,
 (as the above mentioned suffered imprison-
 ment) for refusing the oath, and nine other
 leading missioners. Bishop Challoner goes
 on; " But what was judged satisfactory in
 " point of allegiance by Queen Elisabeth and
 " her council, was not, it seems, deemed so
 " in the following reign of James; for now a
 " new oath of allegiance was imposed upon
 " Catholics, by which they were to abjure,
 " as *damnable and heretical*, a doctrine relating
 " to the Pope's power, which neither the
 " word of God nor the church of God had
 " condemned for such. This oath, which is
 " said to have been contrived by Sir Chris. Per-
 O " kins,

“kins* a fallen jesuit and worded on purpose
 “that the Catholics might be divided about
 “the lawfulness of it, was taken by some of the
 “missionaries, but refused by far the greater
 “number.” Mem. Miss. pr. vol. 2. p. 18.

The original protestation of allegiance made to Queen Elisabeth, is to be met with in Dod, *vol. 2. p. 292.* who gives the following account of the famous oath in question, *vol. 2. p. 336.* “It was drawn up in such ambiguous terms that a tender conscience (the best disposed towards paying civil allegiance) could not digest it. The wording of the oath was chiefly committed to Archbishop Bancroft, who, with the assistance of Perkins a renegado Jesuit, so calculated the whole to the designs of ministry, that it met with the desired effects, which were, first, to divide the Catholics about the lawfulness of the oath, secondly, to expose them to daily persecution, in case of refusal, and in consequence of this, to misrepresent them as dissaffected persons and of unsound principles with regard to civil government. When

* See this account confirmed by Wood in his *Fasti Oxon.* p. 722. who represents Perkins as a very despicable character.

" Oates and his confederates had worked up
 " matters to the consistency of a plot, it was
 " thought a proper time to make use of the
 " old expedient of the oath of allegiance.
 " This engaged the Catholics once more in
 " the controversy, and divided them as for-
 " merly, though the number of those who
 " stood up for the oath was very inconfide-
 " rable. It plainly appeared that the oath
 " was never designed to be a test of allegi-
 " ance, but a state trick to squeeze money
 " from the party, and nourish an opinion in
 " the people that they were enemies to civil
 " government. It was contrary to the de-
 " sire and intention of the ministry that any
 " of them should take the oath."

Let us now hear Bossuet. " In this oath
 " the following clause was artfully and invi-
 " diously inserted. I swear that I abjure as
 " *impious and heretical* the doctrine and posi-
 " tion, that princes excommunicated by the
 " Pope may be deposed *and* murdered by
 " their subjects*. The purport of this was
 that

* From this statement of Bossuet, who enters on the
 present question in consequence of the decision of the Sor-
 bonne concerning the oath, we see how unfairly the con-

“ that any individual Catholic, by his own
 “ private authority, might pronounce the de-
 “ posing

tested position had been submitted to himself and to that faculty; first, the important epithet of *damnable* is omitted; secondly, after *subjects*, the words, *or by any other persons*, are omitted; thirdly and principally, the important disjunctive particle *or* (which virtually makes the deposing and murdering doctrine two distinct propositions) is changed into the conjunctive particle *and*. The latter point also appears from the very words of the decision of the Sorbonne in Dod. vol. 3. p. 336. where the word *et* is substituted for *vel*. As this famous decision, which was deservedly censured at Rome, as being calculated rather to perplex than satisfy a conscientious Catholic, has been kept out of sight, I shall, for the first time, bring it forward to the view of those who may not have the opportunity of consulting it in Dod. “ We the undersigned
 “ Doctors of the sacred faculty are of opinion, that the
 “ above mentioned oath may be taken without any injury to faith or conscience by the English Catholics,
 “ provided that in the proposition which is about the
 “ deposition and murder of princes, which is condemned
 “ as heretical, the words deposed *and* murdered be taken
 “ *conjunctively*, or even if they be taken *disjunctively*, provided the proposition be understood to be *materially* heretical, that is to say contrary to the word of God as
 “ to the *deposition* of princes, and formally *heretical*, inasmuch as it superadds the lawfulness of *killing* them.”
 This perspicuous and edifying piece of casuistry was signed by about threescore doctors; but we are informed by Dod that they were mostly of the younger sort, and
 were

“ posing doctrine to be *impious* and *heretical*,
 “ which so many pious men and Popes in lat-
 “ ter ages had conscientiously supported as
 “ probable. Undoubtedly it was lawful for
 “ the English to reject the opinion of these
 “ mistaken men, in the same manner as we do
 “ in France, but to condemn it as *heretical*,
 “ without the church’s authority, appears to
 “ be rash and extravagant.” The illustrious
 prelate afterwards noticing the brief of Paul
 V. which declares that there are many things
 in the oath contrary to faith, observes, that tho’
 the Pope did not point out what doctrine pre-
 cisely was contrary to faith (the reason for
 which silence he there assigns) nevertheless
 the simple condemnation of the deposing
 power was certainly not the object of such
 censure. “ For articles of faith, continues
 “ he, are not proposed in such terms as those
 “ in question, or in ambiguous terms at all.”

were opposed by a great number of their brethren, and
 amongst the rest by the six divinity professors. All that
 remained for these learned doctors, after their decision,
 was to pronounce whether, in opposition to all the laws of
 grammar and common sense a *disjunctive* proposition in
 an oath could be taken *conjunctively*? and whether it is
 lawful to make use of equivocation in swearing, by af-
 fixing two separate meanings to the same word in the
 same sentence, while at same time we profess to swear in
 the plain and ordinary sense of the words.

He then refers to the behaviour of the Catholics who suffered death in consequence of the scandalous infatuation of the nation, which gave rise and credit to Oates plot, and instances in particular the dying declarations of Mr. Langhorn a learned barrister, and the Earl of Stafford, who, though they abjured in the strongest terms the deposing doctrine, yet refused to swear that the assertion of it was *heretical* in the ordinary terms of the oath.

In how different a light do these respectable and unprejudiced authors place the history of our ancestors, and this transaction of the oath, from what the Layman and other modern writers have placed them? Our edifying ancestors then were not "victims" "slaughtered for papal ambition," but the conscientious defenders of strict and orthodox doctrine. They did not object to the duty itself or to the profession of allegiance, but only to the captious terms in which that of James I. was conceived. The Pope himself never required the English Catholics, any more than he did the French, to acknowledge his deposing power: the most striking proof of which is the choice he made of that identical Dr. Bishop to be the first catholic prelate

late in these kingdoms, who was the grand author and promoter of the declaration cited above, in which this pretension is abjured. I grant indeed that "a purple Cardinal," as the Layman calls Bellarmine, was an advocate for the Pope's *indirect* temporal power, but it is a shameful calumny to charge even Bellarmine with dissuading the English Catholics from swearing any simple oath of allegiance, much more so from performing every duty of allegiance. His words to Blackwell in the letter my adversary alludes to on the subject in question, are these*; "The oath is composed with such art, that no one can detect treason against the King, or profess civil allegiance, but he is obliged at the same time to abjure the primacy of the apostolic see." My business is not here to defend Bellarmine's reasoning, but merely to shew the ground of his objection against the oath; in accounting for which Bossuet and Collier suppose, that he confounded this oath with that of supremacy.

The same Machiavellian policy of dividing, in order to subdue, which dictated the oath of allegiance in England gave rise to the

* Collier, vol. 2. Rec. 102.

famous *Remonstrance* in Ireland. Dr. Curry, in his late excellent work *on the civil wars of Ireland*, vol. 2. proves by the testimony of the Duke of Ormond himself then Lord Lieutenant of Ireland, that the latter's aim was to "work a division amongst the Roman clergy, and that he believed he should have accomplished it, had he not been removed." The same historian quotes a letter from Lord Ormery to the Duke of Ormond, which contains the following passage, "I humbly offer to your Grace, whether this be not a fit season to make that schism, which you have been sowing among the Popish clergy, publicly break forth so as to set them at open difference,—and that we may reap some practical advantage thereby." How diametrically opposite to the base and narrow policy of James's and Charles's ministers are the wise and comprehensive views of those of George III. ! So far from promoting divisions amongst us, those who have witnessed their conduct know, how powerfully they exerted themselves to keep us together. In the entertaining pages of Dr. Curry may be seen the whole chain of Ormond's artifices, how after
he

he had procured a sufficient number of signatures to this lay-protestation called the Remonstrance to form a powerful party, he refused to have it circulated amongst the rest, to prevent the signatures from becoming general amongst the laity, and their becoming too powerful for the clergy: how he encouraged the clergy to meet in synod at Dublin for the pretended purpose of obtaining signatures to this inaccurate instrument, at the same time that he was privately assured this could not be effected. We accordingly therefore see that the clergy refused to sign the remonstrance, but not from an idea of its containing any thing contrary to faith, or from an unwillingness to disavow the dangerous errors contained in it, " but because they " thought it more proper to present one of " their own framing, which at the same time " that it expressed as much loyalty as the " other, should be so unexceptionable in point " of language as that every Roman Catholic " clergyman in the kingdom should cheer- " fully subscribe to it." This they actually executed in an instrument called the *Anti-remonstrance*, which, although it be as explicit in point of loyalty, and as clear a renunciation of the deposing power as words can express

P

press, yet did it not prevent Ormond from banishing as many of the anti-remonstrant clergy as fell into his hands, without, in the mean time, bettering the condition of the remonstrating laity, or making them any satisfaction for the loss of their estates and other injuries, which they, in common with others, had suffered. Ormond's tool throughout all this infamous business, as Curry demonstrates, was Father Peter Walsh*, a refractory irreligious friar, whom the Duke rewarded with the post of Seneschal to the Bishop of Winchester, which together with an annual salary he enjoyed to his dying day.

* This Father Walsh was not only guilty of the grossest abuse against the Catholic Archbishop of Dublin and other pious prelates, but lived in open rebellion against his religious superiors, by whom both he and his predecessor Redmond Caron were excommunicated, as appears from that heavy farrago which he published, called *The History of the Irish Remonstrants*, a work that my adversary, as well as other writers, has too frequently consulted. Dr. Burnet, in *The History of his own times*, calls this friar "one of the honestest papists he ever knew," adding that "he was in all points of controversy almost wholly a Protestant."—On this passage the spirited Bevil Higgons, page 188, has this remark; "This is no unpleasant assertion. He makes a man the honestest papist he ever knew, because he was a *protestant* in his heart. He might have been the latter and a very good man, if he had thought fit to have owned his religion; but he was certainly never the better papist for being a hypocrite."

CONCLUSION.

CONCLUSION.

I shall conclude, my Catholic brethren, with exhorting you to beware of the restless spirit of innovation that characterises the present times, when, setting sage experience at defiance and without even the pretence of oppression, men are disposed to rush on all the evils of anarchy, from self-confident theories and the mere wantonness arising from indulgence. Members, as you are, of the holy catholic church and of the British constitution, be cautious how, under pretence of being better or wiser than your ancestors were, you forfeit the advantages of both the one and the other. Cast your eyes across the narrow straits that separate you from a nation which has made the experiment, and say whether you envy their condition either as to religion or politics. Let no one alledge that I here improperly connect religion and politics together, since it is evidently the same licentious spirit which aims at revolutions in them both; and since it is easy to foresee that you will

P 2

not

not meet with less temptations to embark in one of these enterprizes than in the other. Remember then, in the first place, your solemn engagements and to whom you are indebted for your present emancipation, and let not gratitude have less hold on your mind than the prospect of interest. There is no doubt but you will be enticed with glittering promises to bear a part in carrying combustibles into that mine, the explosion of which has been so long threatened: but be persuaded that the licentiousness of revolutions must ever be unfriendly to a religion so rigidly disciplined as ours is, and of so austere and unpopular a countenance. In a contest between those, who have borrowed the body of their creed and discipline from us, and those who have destroyed the very pillars on which the religion of Christ rests, and have plunged almost to the bottom of pagan incredulity, can we be at a loss to say who are our natural friends? But even, if we could gain ever such great advantages by the explosion of the mine in question, I, for one, should be sorry to enter upon them by a breach, through which, at the same time, an inundation of infidelity and licentiousness would pour in, that would almost efface the name of Jesus Christ from this christian

Christian island.—It is by a due submission to established authority, that both the political and religious evils, to which we are exposed, are to be prevented.

But to confine myself to that species of submission, which more immediately relates to the present subject, let me seriously caution you against listening to those, who, under whatever pretext, endeavor to create a jealousy between you and your divinely commissioned pastors. Their pretensions may be confident, but their object cannot be good. Our church is built on authority, not on private judgment*. Whoever therefore with-

* The Layman inverts the rule of St. Paul, which says *faith is from hearing*, where he teaches that Catholics are to learn their religion first, and hear their pastors afterwards. For he maintains, p. 89. that to judge whether the gospel preached by the clergy is different from that, which they have received, it is necessary the laity should know what that gospel is, and he adds that the legal mission of the preacher does not supersede such right of examination. Hence he argues, that a knowledge of the gospel and religion of Christ, and of the laws of the church, cannot be improper in a layman.—I grant indeed there is no impropriety in a layman's *learning* these things, but I think there is a great impropriety in his *teaching* them, especially when he undertakes this with respect to all the clergy of his communion in England.

draws

draws you from the submission due to your pastors undermines your religion and deprives you of the rule of faith, such persons will not fail to avail themselves of your particular situation under a protestant government to aim at rendering this submission suspicious in its eyes: But you having solemnly pledged your obedience in all civil and temporal concerns to your king and country alone, and they having deigned to accept of your solemn oath, the ground-work of this artifice is, I trust, henceforward destroyed. Besides this; the example of our ancestors who planned this glorious constitution, and those of the various catholic states around us demonstratively prove that the peace and happiness of civil government, in all its forms, is perfectly consistent with the catholic religion. I am not even afraid to say that, if the legislature cannot have all its subjects to be of the established religion, it must be better satisfied with those, who live in subordination, and are subject to a certain church-discipline, than with those who have none, or who can change it at pleasure: as it evidently has a hold on the former, which it cannot have upon the latter.

The

The Pope being the first of these pastors, and the chief judge and organ of that living tribunal, which is ever at hand to repress novelties in faith and discipline, it is not surprising that those who are fond of such innovations, "should hold in detestation a power which to them is always formidable". Hence that prevailing jansenistical party which has been so often blasted with the Vatican thunders, and which now shews the fruits of its boasted reform in real infidelity, has spared no pains to blacken the characters and conduct of the different Popes, and to reduce, if possible, their power to a mere nominal primacy, by stripping them of all jurisdiction out of their own immediate diocese. This exploded heresy, for a heresy it most certainly is on catholic grounds, and has been condemned as such in different general councils, has been revived in various publica-

* Ep. Past. Archiep. Trev. in coup d'œil. he goes on thus: "We cannot sufficiently lament that those who call themselves children of the church join themselves with its enemies in raking together invectives against the chief bishop, and in repeating calumnies that have been a hundred times refuted."

† See the quotation from Gerson above, p. 18.

cations

tions by English Catholics, and I am sorry to find my antagonist in several passages of his book too strongly inclining towards it. But for the same precise reason as he wishes to withdraw you from your necessary attachment to this your chief pastor, I trust you will think it incumbent on you in the present day, more closely to adhere to him in all concerns of faith and discipline. "Ought not every church," he says p. 73, "to enjoy the right of delivering its own belief, its own traditions, its own maxims?" For once we are agreed in a leading principle, I mean, that our adherence to the see of Rome prevents each church from delivering its own particular belief, traditions and maxims, and makes us all conform to one established rule. The whole difference is, that what he considers as a grievance, I, in concert with all Catholics who are acquainted with their religion, consider as a peculiar advantage, namely as the antidote to schism, the standard of orthodoxy, and the cement of catholicity. Even the schismatics of France and Utrecht allow communion with the see of Rome to be essentially necessary; the Layman likewise recommends such letters of communion from the several pastors to the head of the church, as are in use

use among those schismatics. But can we conceive a greater absurdity and a more ridiculous farce than what we are witnesses to in the conduct of these deluded religionists? They hold it necessary to be in communion with a see, the terms of communion with which they positively reject: they boast of their adherence to the universal church by means of their union with its chief pastor, and they laugh to scorn this pastor when he proclaims to the universe that they do not belong to him. Such are the pretended Catholics you are invited to join; but, instead of listening to them or to their advocates, attend to the fatherly exhortation of the present meek successor of St. Peter, contained in his letter to certain refractory prelates of the German church. "I intreat you in the Lord," says he, "with the greatest earnestness in my power, not to give a fresh cause of grief to the church which is already afflicted with so many sorrows, and to which nothing can prove so fatal as for the members to be combating against their head."

In the long history of Popes, during the space of seventeen centuries, it is not extraordinary if those unnatural children of the
Q church,

church, who dwell with rapture on every dark page they meet with in its history, should find ample matter to gratify their spleen and malice; but in the history of our Catholic bishops, since their re-establishment in the reign of James I. I will boldly say, they will seek for a spot in vain. Even in the late unhappy contest, what fault has been imputed to your bishops except an excess of fidelity in the performance of their duty, and of having watched over the precious *deposit of faith* with too jealous a caution? There is nothing however more certain, or more easy to demonstrate, than that it is owing to this very caution you are not at the present moment involved in all the horrors of schism. Listen then to these your pastors, whose conduct is now approved of by politicians, as it always has been by divines, in all that relates to their celestial charge; and observe that it is not in quality of theologians but in that of bishops they address you. Their decisions are not doctrinal, but judicial*. They are bound to deliver the doctrine of the church, but they are not bound to dispute about it.—It is necessary that Catholics should be persuaded of this, in order

* Hook's princip, vol. 3.

to prevent, on future occasions, similar requisitions and complaints to those which we have so often witnessed of late.—What are we unlettered lay people to do, we have heard many exclaim, when men of learning and abilities are divided in opinion, when divines and even pastors are to be found on both sides of the question?—But observe, my Catholic brethren, that it is not upon the natural abilities, or upon the learning either profane or sacred of any person or of any number of persons, but upon the authority of the church, which your pastors represent, that you are to ground your faith. It is not to the personal qualifications of your pastors, nor even to their character and ordination, but to their authority and commission you are to attend in doubtful questions of religion. Hence it is not sufficient that those who undertake to direct you, or whom you may be inclined to follow, are themselves vested with the character of pastors, unless they are at the same time your pastors, and hence your inferior pastors themselves are no longer to be attended to, when they presume to teach a different doctrine from that of their prelates, in whose

name and by whose authority alone they teach.

It is only by this steady adherence to those whom the church has placed over you, that you adhere to the church itself, and that you partake of that glorious inheritance of infallibility which its divine founder has bequeathed to it. All that you have to observe is, that your immediate pastors shew an example of that docility to their superiors in the hierarchy, which they have a right to exact from you, and that they are united in doctrine and discipline with the universal church, by being united with its visible head the successor of St. Peter; which points are matter not of deep study, but of public notoriety. In thus following your authorized guides, should it so happen that (by not observing the disunion between them and the rest of the church) you should be led astray, it is evident, you will still be perfectly safe, and practically infallible, in as much as such involuntary and invincible error will not be imputed to you. —On that momentous occasion, when the great judge will exact integrity of faith, no less than of morals, at our hands, should it appear that we have erred from the right road he himself pointed out to us, it behoves us seriously

riously to consider what plea he will admit in excuse of such error ! Will it avail us to urge that we were seduced by men of abilities, learning and morality, whilst we are unable to shew that we had any directions from him to take them for our guides ? Or, should we give into any dangerous innovations in discipline, will it serve our purpose to alledge that “ we had no other object in “ view than to see our religion practised in “ its primitive fervor*, when at the same time he will make it appear that the only reformation we were authorised to make was that of our own passions ?—Whereas our consciences assure us that the following plea, should we have occasion for it, will be admitted in its full force—Lord, if I have been deceived it has been by listening to those pastors whom thou hast commanded me to *hear* ! Luke x. 16. If I have erred it has been, by *obeying those prelates* who, as thy apostle has assured me, *are to give an account to thee of my soul.* Heb. xiii. 17.

* Layman's first letter, p. 21.

F I N I S.



E R R A T A.

Page 5. line 26. for sacriegiously read sacrilegiously.

p. 25. l. 4. for *debat* r. *dabat*.

p. 40. note, l. 21. for quaity r. quality.

p. 54. l. 21. after p. add 2.

p. 58. l. 15. for Crobinian r. Corbinian.

p. 67. l. 16. for idea r. ideas.

p. 71. l. 14. for probale r. probable.

p. 72. l. 1. for ihem r. them.

Disto, note, for formalis r. formulis.

p. 82. note, for supern. r. suprem.

p. 84. l. 6. for polical r. political.

N. B. It is understood that the invalidity of ordination, which Fleury, p. 9. mentions as the penalty of schism, relates only to the lawfulness of exercising the power of order so conferred.



Lately published by the same Author.

The Clergyman's Answer to the Layman's First Letter on the Appointment of Bishops, in which the arguments in favor of innovations in that particular are considered, especially with relation to the state of the Catholic religion in this kingdom. Price 6d.

George III. the Sovereign of the Hearts of his Subjects, being a Sermon in five sheets 4to, with Notes historical and explanatory, &c. preached in the Roman Catholic Chapel at Winchester. Price 1s. 6d.

For the character of this work, see the Monthly and Analytical Reviews, also the Gentleman's Magazine for June 1789.

A Discourse delivered at the Consecration of the Right Rev. William Gibson Bishop of Acanthos, A. V. N. in the Chapel of Lullworth Castle, on Sunday 5th of December, together with an introductory Account of the Consecration. Price 1s.

The Exclamations of the Soul to God, or Meditations of St. Teresa after Communion; together with an introductory Letter to a reverend Prioress on the spirit of the present Times. Price 1s. 6d.

A Funeral Discourse on the Death of the Ven. and most Rev. Bishop Challoner. Price 6d.



